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THE SOLICITORS' JOURNAL.

LONDON, OCTOBER 2, 1858.

THE MEETINGS NEXT WEEK AT BRISTOL.

The Metropolitan and Provincial Law Association meets on Tuesday next at Bristol, and we publish in another column a list of papers appointed to be read upon various subjects, of great professional as well as public interest. First in place, and second to none in importance, stands the law against corrupt election practices. This law, in the state to which it has been brought by the Continuance Act of last session, will very probably be applied, ere long, to regulate the proceedings at a general election. It is, therefore, most desirable that this specimen of legislative manufacture should be thoroughly discussed and fully understood in all its bearings by those whose duty it will be to govern their conduct and the advice they give by its enactments. The experience acquired by Parliamentary agents in committee-rooms, combined with that of country practitioners well versed in the management of elections, may produce criticisms of this law deserving the attention of those who framed it. One principal advantage of these meetings is, that minds variously trained are brought from widely different scenes of practice to consider topics of general interest to the profession; and thus the views of the whole body of solicitors are ascertained and embodied in a shape to demand, if not always to obtain, the respectful consideration of the Legislature.

A paper is to be read upon the General Orders of the Court of Chancery, and this is a subject which admits of very effective treatment, inasmuch as the existing evil is notorious, and the remedy far more readily producible than in the case of many other suggested law-reforms. To codify the General Orders of the Court of Chancery is a humble undertaking when compared with the magnificent schemes which have fascinated the imagination of the Attorney-General; but the work would be of vast utility, and it could be done, and well done, within a moderate space of time; so that the present Chancellor has it in his power, if he pleases, to strengthen his party by the credit and popularity to be derived from a most sound and judicious measure for the improvement of the practice of his court. The complication and contradiction of the present mass of orders, accumulated as they have been during the course of several centuries, is fully and painfully known to the solicitors who have to conduct their business under them. It would be easy to remove from the path of the practitioner a mass of doubts and difficulties which impede him at every step, and thus to render the practice of the Court far more simple and intelligible than it is at present. The solicitors assembled at Bristol will do well to bring prominently before the public the necessity of a reform, which all lawyers admit to be desirable and also possible. And it will be expedient also to take the present opportunity of protesting against the growing disposition of the authorities to innovate upon the practice of the Court, without consulting the great body of practitioners. If a codification of the General Orders is attempted by Lord Chelmsford, we trust that he will in this respect discard the habits of his immediate predecessors. It is impossible that a code of practice, prepared it may be by able but anonymous draftsmen, and secretly revised by unknown and irresponsible officials, should ever give complete satisfaction to the solicitors. Let the draft be communicated to the Incorporated Law Society, and to the Metropolitan and Provincial Law Association, and thus it will be thoroughly examined by those whose daily business it affects. The meeting at Bristol furnishes a suitable occasion to repeat once more the protest of the solicitors against the system of dealing with their nearest interests without a word to their constituted representatives. This protest should now be emphatically reiterated, and we trust that it may obtain the attention of the Lord Chancellor.

Turning from matters of direct public interest to those which concern the internal organisation of the profession, we must be permitted to express the hope that the subject of the preliminary education of articled clerks will occupy—as it did last year—a prominent place in the report of the proceedings of the meeting. Since we last discussed this subject, the University of Oxford has held, in various parts of England examinations which appear to supply one valuable method of improving the education of future candidates for admission as solicitors. Our readers have doubtless followed with some attention the course of the discussions which have been called forth by the unexpected results of the examinations lately held. Amid all the reclamations of schoolmasters at the harshness and unreasonable exactions of the examiners, this one thing is clear—that a vast number of schools in England are conducted upon a thoroughly unsound principle; and from such schools must inevitably come many of the clerks who enter our readers' offices. It is, therefore, evident that the improvement of these schools—and, especially, by compelling those who conduct them to lay in their pupils' minds a good elementary foundation — is an undertaking which well deserves the sympathy of the Bristol meeting. In future years it may be hoped that the deficiencies which have been so glaringly exposed in the great majority of the candidates at these examinations will be less prominent. In proportion as this change takes place, the education given at middle-class schools will be rendered more and more nearly a suitable preparation for the arduous studies and grave responsibilities of the lawyer. Above all, the habit will be encouraged of doing whatever is done thoroughly well. The formation of distinct ideas will be preferred to the hasty acquisition of superficial knowledge, and the youthful mind will have undergone a training which will fit it in maturer years to see through attempts to work upon its passions and prejudices, and to look at all professional questions in a liberal and patriotic spirit. The University of Oxford has discharged the duty it undertook in a thoroughly conscientious manner, and, wherever a disposition may have existed to resort to these examinations as a preliminary test before admission to articles, we think encouragement will be felt in the conviction that the examiners may be trusted to apply strict tests to the candidates who come before them, even at the risk of rendering their system for a time unpopular.

The general meeting of members of the Solicitors' Benevolent Association is appointed to be held at Bristol on Wednesday next. The advantage of holding this meeting at the same time and place with that of the Metropolitan and Provincial Law Association is too obvious to need insisting on. We have only to regret that this otherwise excellent arrangement should in one respect involve some risk of prejudice to the interests of the younger of the two societies. But it is undoubtedly the fact that active and systematic misrepresentation of

the objects of the directors of the Metropolitan has engendered in the minds of some members a suspicion which, however, only demands the public discussion of next week to prove how groundless and absurd it is. It would be a most unhappy circumstance if the simultaneous holding of the two meetings should afford a handle for the same malevolent aspersions upon the motives of any of those who have taken a leading part in founding an institution which needs for its success the support and sympathy of every solicitor in England. The men who have given their time and thoughts to establishing one useful organisation for the common good, are naturally found among the most zealous co-operators in the formation of another society equally claiming the fullest exertion of their ability and zeal. But the two societies are as distinct and independent as if they met at the opposite extremities of the kingdom, and not a single name were common to the two boards of management. If any measure can be devised at Bristol to place this truth beyond all risk of doubt or misrepresentation, sound policy dictates that it should be adopted. The progress of the Benevolent Association has hitherto been slow, and much remains to be accomplished before it can venture to begin fulfilling the objects of its founders. When we consider that the profession numbers in England and Wales not less than ten thousand members, and that at the present moment the subscribers to the Association are but a small fraction of the whole body, we may confidently hope that the zealous exertions of its friends, each in his own neighbourhood, will soon result in a large addition to its resources. And we trust the time will come when its benefits will be felt not only by its first and most legitimate objects, the members of the Association and their wives, widows, and families, but also by all who can show that they are in distress, and that they, or those on whom their subsistence depended, are, or have been, the professional brethren of those who have founded and maintained the Association. But it will be long before this full measure of benevolent activity can be reached, and the most hearty co-operation of every friend of the society is needed to support and extend it during the struggles of its early years.

PRIVATE BILL LEGISLATION.

We have already dwelt upon the more serious objections to the present system of conducting private Parliamentary business, but it is not altogether immaterial to consider its direct though less important influence in the increase of expense. The actual cost of getting a Bill passed, heavy as it is, is a trifling matter compared with the sums which are every year thrown away without any results, in consequence of the uncertainty and caprice of Parliamentary committees. But though small by comparison with greater evils, the expenditure entailed, even in the simplest cases, upon the promoters of Private Bills is a tax which ought to be greatly diminished, and might easily be so under a more rational system of procedure. Several of the most eminent Parliamentary agents were examined on this subject by the Lords' Committee, and we may take the experience of Mr. Pritt as a fair sample of them all. It appears that the average cost of passing an unopposed Bill is about £474; the minimum among the cases which Mr. Pritt referred to being £334, and the maximum £805. Much complaint has been made, and not altogether without reason, of the enormous fees which it is the practice to pay to Parliamentary counsel; but the figures above given show that this item of expense is far from being the most objectionable, for on unopposed Bills no counsel are retained at all, and the costs, nevertheless, range from more than £300 to £800. In opposed Bills there is almost no limit to the amount of costs which may be incurred, but the average of as many as fifty-seven Bills gives an amount of £830, without including any of those unavoidable items of expense—engineer's charges, witnesses' expenses, and counsel's fees. If these figures are further analysed, it appears that more than two-thirds of the amounts are made up of House fees and printing expenses, the former being out of all proportion the heavier item. It has been said that the fees levied in these cases are not more than sufficient to cover the outlay which Parliament incurs in conducting this portion of its business; and it is urged, with some plausibility, that the passing of Bills for the convenience of private individuals, ought not to be effected at the public expense. This is perhaps questionable, but even admitting the principle, it is quite inconceivable that the mere machinery should cost in an average case £300 for every unopposed Bill, and something like £500 in a contested case, if it were not complicated with a multitude of forms of no earthly use. What would be said of the Court of Chancery if the official expenditure (irrespective of the suitor's costs) amounted to £400 or £500, for every matter that came before it? So preposterous an outlay is in fact the most conclusive evidence of the unfitness of the established procedure, and if Parliament chooses to burden the simple process of examining a Private Bill with such needlessly expensive proceedings, it is rather hard that the whole should be levied by fees upon the unlucky suitors.

Fortunately it happens that the substitution of a paid tribunal for the services of unremunerated members would indirectly get rid of nearly all this expense at the same time that it would add to the consistency and fairness of Parliamentary decisions. It is quite impossible that a Court with a simple and well-organised procedure, and with the large access of business which the improvement would bring, could require a tenth part of the fees now levied to maintain it in perfect efficiency, and this consideration is an additional argument in favour of a change which in every point of view appears indispensable. At any rate, so long as the dignity of Parliament is supposed to call for the continuance of the present cumbrous machinery, the money expended for an object which, if real, would concern the whole nation more than the promoters of Private Bills, cannot in fairness be levied in the shape of fees. Applicants ought not to be required to pay, in the form of Court or House fees, more than is absolutely necessary to provide the means for disposing of their business on the most efficient and economical plan; and if our legislators are too much wedded to the present practice to admit any substantial reform, the least they can do is to reduce the fees to something like a reasonable amount. Even this would be a very partial remedy, for the costs which are indirectly occasioned by the plan on which committee business is conducted are vastly greater than the House fees, formidable as those are. Nothing, indeed, but the complete transfer of the whole business from the committees to a permanent Court can afford any considerable relief. From whatever point of view the subject is approached, the conclusion is the same; and the only debateable question is the exact form which the Court should assume, and the precise relation in which it should stand to the two Houses, from which its powers must be derived. The evidence of Mr. May and Col. Patten is quite clear as to the practicability of establishing a Court that would work well if Parliament would only so far lay aside its jealousy of extraneous interference as to follow the recommendations of non-Parliamentary commissioners. But they doubt whether the two Houses are capable of this measure of magnanimity and common sense, and it is abundantly clear that the whole scheme would break down unless the recommendations of the new Court were treated with the same deference which is now paid to the decisions of committees. A case in point occurred with reference to the Preliminary Inquiries Act, by which a feeble approach was made to the principle which we are now advocating. By this Act, which passed in 1847, commissioners were appointed to make local inquiries, and report the results of their

investigations for the assistance of Parliament. The powers conceded, even in theory, were too limited to be of much service; but the little good which might have been effected was turned into positive evil by the perverseness with which Parliament persisted in ignoring the recommendations of the commissioners, and opening every question afresh, exactly as if no previous inquiry had been made at all. Legislators could not brook to be controlled by commissioners of their own creation, and the upshot was, that the preliminary inquiry merely added its own costs to the general total, without at all facilitating the subsequent proceedings. Mr. May, whose experience is very considerable, evidently fears that the same temper will defeat any further attempts in this direction. Parliament, he says, has a constitutional jealousy of executive departments, and will not receive their recommendations with the same favour as the opinions of a tribunal which is constituted by Parliament itself, is immediately responsible to it, and derives its direct authority from it. One would imagine that the weight attached by a sensible body of men to recommendations from without would depend more on the ability and integrity of the advisers than on the terms of their appointment or the nature of their tenure of office; but if Parliament really cannot cure itself of the puerile weakness which Mr. May refers to, it would not be difficult for it to humour its own prejudices, without interfering with the efficiency of the commissioners. Their appointment might be vested directly in the two Houses without much danger, for public opinion would supply a tolerable safeguard against the abuse of the patronage. But whatever compromise of this kind may be adopted, it must not take the form of a Parliamentary revision of the commissioners' decision. This would lead only to a second failure like that of the Preliminary Inquiries Act. Whatever forms may be preserved, the substantial power must be transferred to the permanent Court; and as the only obstacle consists in a rather paltry feeling of jealousy, we cannot but think that Parliament will sooner or later have the good sense to concede a point of such vital importance to the commercial interests of the country.

Legal News.

JUDGES' CHAMBERS.

(Before Mr. Justice HILL.)

Newton & Others v. Alderman Cubitt & Another.—Sept. 24.

An application was made on behalf of the plaintiffs for a writ of injunction, under the Common Law Procedure Act, 1854, to restrain the defendants from ferrying by steamboat or otherwise from the Isle of Dogs to Greenwich until after the trial of the above action. The plaintiffs are the lessees of "Potter's Ferry" from the Isle of Dogs to Greenwich, and the lessors (and the lessees during their lesseeship) claim the exclusive right of ferryage from the whole of the island to Greenwich, under an ancient grant from Edward VI. to Lord Wentworth. This right has been a source of litigation for many years, but the trustees have invariably succeeded in maintaining it. Alderman Cubitt erected a pier at the Isle of Dogs. This being considered a nuisance and impediment to the free navigation of the river, was the subject of an indictment; and upon the trial in February last, Mr. Cubitt was found guilty of creating a nuisance by so erecting it. He has since the trial commenced running a steamboat from this pier, conveying passengers to Greenwich; and the plaintiffs, as lessees of the ferry, have brought the present action to recover damages for the infringement of their ferry right.

The JUDGE decided upon not granting the writ, for which under similar cases there was no precedent, but made an order, by which Mr. Cubitt, through his solicitor, is bound to keep an account of the number of passengers ferried across from the pier on the Isle of Dogs to Greenwich pending the action, so that upon its determination in favour of the plaintiffs, the amount of fares received may be ascertained, and the plaintiffs reimbursed to the extent thereof.

THE VACATION JUDGE IN CHANCERY.

The following letter appeared lately in the *Standard*:—

SIR,—With reference to the leader in the *Times* of the 14th inst., as to Sir John Stuart's absence in Scotland and the Lord Chancellor's responsibility for alleged neglect and inconvenience, I think it due to all parties to ascertain whether any undue delay has been occasioned. In my own practice during the present vacation, so far from having any cause of complaint on the ground of delay, considerable despatch has been experienced in a Chancery suit and an injunction case in which I have been engaged. The facts and circumstances were these:—A lessee of a corn-mill and farm, restricted by special covenants, having by reckless trading and gross misconduct become desperate in circumstances, advertised for sale by auction the whole of his hay, corn, straw, and potatoes produced upon the farm, and announced that the purchasers would be at liberty to convey and consume the same off the premises. The lessee threatened also to sell and remove the landlord's machinery, mill-stones, waterwheel, and fixtures. Having caused the auctioneer and purchasers to be served with written notice of the lease, and they having commenced to cut or truss the hay, and actually to cart it off the premises, I, on the 14th ult., sent to town the landowner's steward, with an affidavit of the facts, and instructed my agents to file a bill in Chancery, in Vice-Chancellor Stuart's court, and also to move for an injunction restraining the several parties from carrying into effect their threatened illegal acts and waste. My agents, knowing the Vice-Chancellor's absence, announced to the secretary the urgency of the case, who authorised them to apply direct to his Lordship, at his private residence, for the injunction. Accompanied by my agents and the steward, counsel stated the facts to his Lordship, who, without a single day's delay, granted the required injunction, as well against the lessee as also against the auctioneer and purchasers, and by return of post I received for service upon the several defendants a notice that the bill had been filed, and an injunction granted by the Right Hon. the Lord High Chancellor upon motion, made to him for that purpose by plaintiff's counsel. So far, therefore, from unnecessary delays having been occasioned, the public will learn that every facility and the utmost despatch (which, in this case, was of the greatest importance to prevent irreparable injuries to the reversioner by the removal of his machinery and fixtures, and of the produce of the farm), were afforded by his Lordship to my client as one of the suitors of the court. Whilst I think it a duty that one of the judges should be accessible during vacation, I also think it due to the Lord Chancellor that the facts should have been carefully ascertained before indulging in personal attacks and severe animadversions, based upon erroneous and exaggerated premises.—I am, Sir, your obedient servant, A. G. EASTWOOD.

Todmorden, Sept. 20, 1858.

GENERAL STATISTICS OF CRIME.

In 1856, 19,437 males and females were committed for trial in England and Wales, 3,713 in Scotland, and 7,099 in Ireland; 14,734 were convicted in England, 2,723 in Scotland, and 4,024 in Ireland. As regards England, 1,264 were convicted of offences against the person, 1,787 of offences against property with violence, 10,487 of offences against property without violence, 94 of malicious offences against property, 757 of forgery and currency offences, and 345 of other offences. The crimes in England where convictions were obtained included 31 murders, 186 shooting and stabbing cases, 78 manslaughters, 61 concealments of birth, 11 unnatural crimes, and 27 attempts to commit such unnatural crimes, 45 cases of rape and carnally knowing girls under 10 years of age, 12 cases of abusing girls between 10 and 12 years of age, 71 assaults with intent to ravish, 2 cases of abduction, 82 of bigamy, 271 grievous assaults, and 190 common assaults. No unnatural crimes are recorded against Scotland or Ireland in 1856. 14,734 persons were sentenced at the several criminal courts of England and Wales in 1856, 2721 were sentenced in Scotland, and 4024 in Ireland. 19 executions appear to have taken place in the whole of the United Kingdom in the year 1856. 10,765 males and 641 females were incarcerated as debtors under civil process in the same year, a large increase upon the year 1854, when only 9677 persons of both sexes were imprisoned for debt. Of 113,736 male and female culprits committed in 1856, 1990 were under 12 years of age, 36,859 between 12 and 21, 33,400 between 21 and 30, 37,835 between 30 and 60, 2732 of 60 years and upwards. 33·1 per cent. were utterly illiterate, 53·8 per cent. could read or read and write imperfectly, 5·4 could read and write well, and 0·3 were of superior instruction. The average cost of each prisoner in England and Wales (exclusive of convicts and military prisons) was 29*l.* 1*s.* 2*d.* The expense of the Government convict prisons and hulks in England in 1856-57 was £247,432, including £14,714 for Pentonville Prison, £12,112 for Parkhurst, £30,383 for Millbank, £53,501 for Portland, and £11,621 for the hulks. There were 6376 persons "admitted" to the military prisons in the year 1856, whose average confinement extended to 53 days; 809 of these were incarcerated for drunkenness. £18,746 was the total expenditure for military prisons, and £18,722 the amount of full-pay and beer money of prisoners in confinement not issued. 73,240 culprits were before the metropolitan police magistrates, for various offences, in 1856, and of these 381 only were of superior instruction; 33,451 were summarily convicted

or held to bail. 127 persons committed suicide in 1856, against 116 and 118 in the two preceding years. 12 suicides were attempted but prevented by the police, and 66 were otherwise prevented. There were 474 fires, of which 27 were extinguished by police.

The following letter is from the *Times*:—"Sir,—You have on several occasions shown yourself the poor man's friend as regards the holding of coroners' inquests (one of the best protections to human life and preventions of murder). Allow me to mention a specimen I have recently seen of the extent to which such inquiries are dispensed with in an agricultural district in the neighbourhood of my residence. Having occasion to sign the book kept by the registrar of deaths, I turned over two or three leaves, and on one opening found no less than three entries under "Cause of Death," "injury in the birth, not certified." A page or two farther on I found another such entry; and another, an illegitimate child of a domestic servant, age four days, cause of death "unknown; not certified—no medical attendant;" and near to this a boy "killed by a waggon." On asking the particulars of this case I was informed that no person saw the boy killed, but a policeman said there was no occasion for an inquest, and the parochial authorities and the registrar, I presume, all indorsed his opinion. There is evidently a desire in some quarters to put an end to coroners' inquiries, but I hope we are not yet prepared for this. I adopt the course mentioned in your paper by one of the coroners for Warwickshire some ten days ago, and take inquests in all cases which come to my knowledge where I believe they ought to be taken.—I am, Sir, your very obedient servant, A County Coroner.—Sept. 28."

At the Shipston-on-Stour Petty Sessions, on Saturday, September 25—before Mr. William Dickins, Mr. F. Colvile, and the Rev. William Evans—Nathaniel French, toll-collector at the Furze-hill gate, was summoned by Lord Redesdale for an overcharge of toll. On the 21st of August last, Lord Redesdale was riding towards Shipston, and on coming to the toll-gate tendered 6*d*. The collector said he had no change, on which Lord Redesdale remarked, that he ought to keep change. In reply, the collector said Lord Redesdale ought to have brought the right toll with him, but he could have the 5*d*. on his return. However, not returning that way, Lord Redesdale summoned the collector for detaining the change, or charging more than the usual toll, in order to prevent the practice of such imposition upon the public. The case was dismissed. Lord Redesdale then asked the defendant for the 5*d*. The defendant coolly replied that he had no change, but if Lord Redesdale would give him the penny he would return the sixpence; and holding his head on one side, as if attentively listening, said, "Did your Lordship wish me to drink your health with the change?" No reply being given, the defendant pocketed the coin, and left the court evidently satisfied with the decision that a toll-collector was not compelled to give change.—*Birmingham Journal.*

It was stated at the last meeting of the council of the Financial Reform Association, that amongst the official finance accounts were two items, one at p. 46, the other at p. 53, from which it would appear that during the year ended March 31, 1858, Sir Thomas J. Platt had been paid £5000, his full salary, as one of the Barons of the Court of Exchequer, and also £3500, his full pension, as one of the late Barons. Both are entered as "payments in" that year. The secretary having applied in vain to the Treasury for an explanation wrote to Sir Thomas himself. Sir Thomas replied at once, stating that the last payment of salary he received was for the quarter ended November 3, 1856; and that he "did not receive the £5000." A second letter was then addressed to Mr. Hamilton, of the Treasury, acquainting him with Sir T. J. Platt's statement, and suggesting that an explanation may be desirable, if only to show that the public finance accounts are more trustworthy than the Weedon ledger. To this no answer has yet been received.—*The Financial Reformer*, October.

The total amount of fees paid for registries in the Registry-office of Deeds for the county of Middlesex amounted, last year, to £5628; there were 14,665 assurances registered; £363 was paid for searches; the aggregate amount of salaries and fees received was £1903. In the Dublin Deeds-office, in the year 1857-8, the sum of £6465 was paid for registries; £941 for certified, or negative, searches; and £607 for common searches.

David Hughes, a solicitor of Gresham-street, made bankrupt as a scrivener, absconded not long since with his wife and family to Australia in the *Red Jacket*, on the day appointed for him to pass his examination under his bankruptcy. Not having surrendered he was proclaimed an outlaw.

The French Tribunals.

CIVIL TRIBUNAL OF THE SEINE.—First Chamber.

(President, M. Gislain de Bontin.)

Aug. 28.

The club established at Paris, 3, Rue Royale St. Honoré, found itself too confined, and determined to move elsewhere. On July 8 last, M. le Comte de Juigné, president of the club, hired of M. Ardoin, owner of the hôtel which forms the corner of the Rue Royale and the Place de la Concorde, the first floor of this hôtel, as well as various offices on the ground floor and entresol. He also engaged the first floor and entresol of a small hôtel, Rue Royale, communicating with that which forms the corner of the street and the Place de la Concorde. The rent was to be 60,000 francs a-year. Here M. le Comte de Juigné and the club of the Rue Royale were to be installed, the lessor insuring them the enjoyment of the terrace over the colonnade of the Place de la Concorde. Hitherto, all went smoothly; but, on a sudden, difficulties arose. Mme. la Marquise de Plessis-Bellière (née de Pastnet) Comtesse de Rougé, wife of M. Henri Alexandre Comte de Rougé, Marquis de Plessis-Bellière, with whom she lives at her hôtel in Paris, 6, Place de la Concorde, cited M. Ardoin before the civil Tribunal of the Seine to have him restrained from maintaining in his hôtel a club with the privilege of enjoying the terrace, situated on the first floor, above the colonnade. The Comte de Juigné immediately intervened, and the matter was brought to a hearing before the First Chamber.

On behalf of the marquise, it was stated that her hôtel is contiguous to M. Ardoin's; that these hôtels were built on ground conceded under certain conditions common to all the hôtels existing in the said place; that amongst other conditions it was stipulated that there must not be raised upon the colonnade-terrace on the first floor of the building sold and facing the place, any separation between the different hôtels, which were to share the terrace, except a railing seven and a-half feet high, with iron spikes. Besides, according to the letters patent granted by Louis XV., June 21, 1757, the edifices here in question were bound to maintain a uniform architectural character, and must be appropriated to private hôtels; the stipulation between the owners having access to the terrace, by constituting a communion of enjoyment, had created for these owners an obligation to preserve to the different properties forming the whole a destination conformable to that foreshadowed in 1757 and 1775; and that the letting by M. Ardoin to a club is contrary to the original titles of the properties on the Place de la Concorde. It was added, that, however distinguished might be the persons forming the club of the Rue Royale, the club is none the less a public gathering, authorised by the administration, and of a nature to modify considerably the conditions of enjoyment of the hôtels and of the terrace; that the installation and the enjoyment of the terrace granted to the club would cause to the proprietors of the other hôtels, and especially to Mme. le Marquise de Plessis-Bellière, from the contiguity of her hôtel, considerable inconvenience.

Mme. de Plessis-Bellière demanded, therefore, that M. Ardoin be restrained from allowing in his house the assemblage of a club, enjoying the use of the terrace, and in default of M. Ardoin forbidding to all such establishments the enjoyment of the terrace that he should be condemned to pay her 500fr. a day.

On behalf of M. Ardoin it was replied, that the terrace in question formed an integral part of his property. The terrace no doubt was connected with a plan for improving the aspect en façade on the Place de la Concorde, but there was no idea of preventing a proprietor from disposing of his property how and to whom he would. Besides, the members of the club were all noble, and of Mme.'s own rank; and assemblages of the kind were the order of the day, &c. &c.

The Tribunal, after hearing Maître Nicolet for the marquise and the marquis, Maître Caignet for M. Ardoin, and Maître Mocque for the Comte de Juigné, conformably to the conclusions of M. the substitute Pinard, declared M. and Mme. de Plessis Bellière unfounded in their demand, refused it, and sentenced them to paycosts.

CORRECTIONAL TRIBUNAL OF PARIS.—Sixth Chamber.

(President, M. Dupaty.)

Sept. 18.

M. Eugène Brullie, an actor, better known by the name of Bache, was accused of having presented himself, on the 18th of

June last, in the assumed character of secretary-general to the Prefect of Police at the house of Mme. Roger de Beauvoir, and of having sought to intimidate this lady by means of his assumed character, and of having meddled with public functions; and M. Roger de Beauvoir, homme de lettres, was accused of having aided and abetted him.

Maître Lachaud was for M. Roger de Beauvoir; Maître Carraby for M. Bache.

Mme. Doze, Mme. Roger de Beauvoir's mother, was called, and made the following declaration:

On June 18, about 2 or 3 p.m., M. Roger de Beauvoir came, accompanied by his son and a gentleman whom I did not know, and whom M. Roger represented as the secretary-general of the Prefect of Police. M. Roger de Beauvoir appeared very excited; he had in his hand two documents, to which he wanted his wife's signature. I was under the impression that the gentleman with him really was the secretary-general, and that he appeared to support M. Roger de Beauvoir's claims.

M. Roger de Beauvoir said: When I called at Mme. Doze's I don't recollect whether I had the documents in my hand; I had just met M. Bache, without any premeditation, and he accepted my invitation to ride with me to my destination. When asked whether he had before witnesses applied to M. Bache the title of secretary-general of the Prefect of Police, M. Roger de Beauvoir made a gesture which was neither affirmative nor negative.

M. Dyenne said, on the 18th June, M. Roger de Beauvoir sent his son to me with a note, in which he begged me to meet him at No. 5, Rue des Pyramids, where Mme. Roger de Beauvoir lives; he was there he said with a high police functionary. I went and found with M. Roger de Beauvoir a gentleman dressed in black, with a white cravat, whom M. Roger de Beauvoir introduced to me as an administrator-general, or something of that kind, of police. It was not until we left No. 5, that hearing M. Bache joke about what had happened, I said, "Why, are you not a public functionary?" "Bah," said he, "I'm Bache the comedian." "Well," said I, "then you've been playing a very silly part." "Oh!" he replied, "it's all Roger de Beauvoir's doing." Whilst we were in the house I recollect that M. Bache spoke to Mme. Doze about me probably, as she replied in a low voice, and then he leant over towards me, and said, "So you are a Red?" I answered, "I was republican under the republic, like everybody else." Bache then took out a note-book, and as he jotted something down, said, "I am very fortunate to gain this intelligence."

Mme. Roger de Beauvoir gave evidence that her mother had told her of M. Roger de Beauvoir's visit with his son and a stranger, who assumed during his stay the title of secretary-general of the Prefect of Police; that she went with her mother and children to the Debureau theatre, where, on her mother's exclaiming, "There is the secretary-general of police," she discovered that the pretended secretary was the actor Bache.

The Tribunal, in conformity with the conclusions of M. l'avocat impérial Ducreux, sentenced M. Roger de Beauvoir to a year's, and M. Bache to three months', imprisonment.

CIVIL TRIBUNAL OF PAU.

(President, M. Carenne.)

SUIT FOR NULLIFICATION OF A MARRIAGE CONTRACTED IN ENGLAND BY A FRENCHMAN WITH AN ENGLISHWOMAN—DEFAULT OF PUBLICATION IN FRANCE—DEFAULT OF CONSENT OF THE FATHER OF THE HUSBAND.

July 29, *Aug.* 7, 14, 19.

At the opening of the Court, Maître Lamaiguière, the elder, spoke much as follows:—I come in the name of M. de X . . . père, to demand of you nullification of the marriage contracted by M. Chéri de X . . ., his son, with Miss Alice-Ellen B . . . On April 20, M. de X . . ., fils, arrived in England, and on the 28th of the same month the marriage was celebrated at Ledbury, in Herefordshire.

* * * * * *

In the month of June, 1857, took place, as usual, the processions of the Fête-Dieu. That of the parish of St. Jacques had to cross the street in which lives Mme. F . . ., grandmother of M. de X . . ., fils. On that occasion Mme. F . . . received a visit from a lady in the town, Mme. C . . ., who came with a young English lady to ask permission to watch the procession from Mme. F . . .'s window. Here commenced the acquaintance of M. de X . . ., fils, with Miss Alice-Ellen B . . . Soon after Mme. C . . . again came with Miss B . . . to pay a visit of acknowledgment; as before, M. de X . . ., fils, was there; and he obtained permission to call upon Mme. C . . .

In October, Miss B . . . left Pau and returned to England. It is reasonable to suppose that letters had meanwhile been exchanged between M. de X . . ., fils, and Miss B . . .

* * * * * *

M. de X . . ., fils, had always been a man of exemplary character, and by his own exertions had raised himself to the rank of advocate of the Imperial Court; M. de X . . . might, therefore, hope for his son an establishment uniting the advantages which the world requires, and which insure happiness.

At the end of last winter the family of M. de X . . . was sadly tried; M. de X . . . and his two sons fell ill at the same time; one of the latter died; and M. de X . . . was still suffering when Mme. F . . . received the following letter from Miss B . . .:—

Ledbury, New Inn, March 31, 1858.

My Dear Madam,—I am deputed by mamma to answer your letter forthwith. She is very sorry to hear of the illness of M. Chéri's father. . . . . Now, Madam, I wish to explain to you my position in point of fortune. I possess in England £4000. . . . . When mamma dies, I shall receive money from her. . . . . My family, Madam, is a very old and honourable one; my father died fourteen years ago; I have three sisters, married. . . . Mamma wishes to see M. Chéri here, to place the fortune in his hands. . . . . It is necessary for M. Chéri to receive my fortune into his own keeping; a lawyer has told me so. Let him come, I beg you; he will see my family, who are in England, and anxious to pay him attention. . . . .

I am, dear Madam, your devoted and affectionate

Pray let Chéri come soon. A. E. B.

I must remark that all the particulars of this letter, stated with so much apparent sincerity, are falsehoods. However, M. de X . . ., fils, set out for England, without saying a word to his father, who was still too unwell to attend to such matters, with his friend, M. Adrien T . . . These two young men, who could not speak a word of English, arrived at their destination on 20th April. Their reception corresponded with the hopes M. Chéri had conceived. . . . . After the marriage, they were to return immediately to France. The lady's luggage had already been sent to Paddington, to be forwarded to Paris. . . . As to the dowry of £4000, it was at MM. Coutts & Co.'s, in London. M. Chéri could not doubt at least that it was, for when the clergyman who had performed the ceremony was to be paid, a cheque, drawn, it was said, on Coutts & Co., was presented to him, and returned unpaid, because it lacked the husband's signature. M. de X . . . signed it, and saw no more of it, which made him suppose it had been paid.

Well, the time for paying the bill of Mr. Gibson, hotel-keeper at Malvern, came; his bill was £50. MM. Coutts & Co. were drawn upon; but they replied that there were no funds either in the husband's name or the wife's. Miss Ellen B . . . was not a whit discouraged; she was indignant, and declared there was a mistake; it was thereupon agreed that M. Adrien T . . . should himself present the cheque at Coutts & Co.'s. Happily for him his ignorance of everything English caused him to have recourse to M. Brunier, of the Penton-hotel, in London, in whose establishment he had stayed a few days with his friend. Accompanied by M. Brunier, M. T . . . presented the cheque, and was immediately on the point of being given into custody; M. Brunier, however, was fortunately able to answer for him, and become his surety. But M. de X . . . . did not escape so easily; he was arrested and put into prison at Worcester on the 18th May.

* * * * * *

Ultimately, by the exertions of M. Brunier, M. de X . . ., fils, was liberated, and allowed to return to France.

* * * * * *

Two grounds of nullity were discussed by Maître Lamaiguière; the first was founded upon article 170 of the Code Napoléon, which gives validity to marriages contracted in a foreign country according to the usages of that country, "provided it be preceded by the publications prescribed by article 63;" the second was the absence of the father's consent.

In the course of the plaintiff's case a letter was read from Messrs. Holland, Gregory, & Whatley, solicitors of Malvern, to the British vice-consul at Pau. These gentlemen were instructed by the landlord of the Beauchamp-hotel to answer the inquiries addressed to him. They stated the circumstances under which M. de X . . . . had been arrested, and that on an interview with him, Mr. Holland was convinced of his integrity, and prevailed on his client to release him. They also stated that Miss B . . . . had two sisters; one a barmaid at Worcester, and the other a servant in a family, and that their whole fortune was a legacy to each of £30, payable at twenty-one.

Maître Dauzon was for Miss Ellen B . . . . M. de X . . . . he said had gone to England in the hope of securing a brilliant fortune, and so married; he met nothing but misery, and then deserted his wife, and by his father brought a suit for nullifica-

tion of the marriage. Maitre Dauzon put in several letters which had been exchanged between M. de X . . . . and Miss Ellen B . . . . , in one of which, dated 4th of April, M. de X . . . . says:—

My father is willing to consent to our union in consequence of what you said to my grandmother. . . . . .

My father sent for me to speak to me of you. He said if I wished to have you for my wife, he would give his consent, and the marriage could be celebrated at once.

Now, said Maitre Dauzon, here is the dilemma in which M. de X . . . , fils, is placed, either his father did not give his consent, and then M. de X . . . . has lied in his letter; or his father did give his consent, and then M. de X . . . . has no business here.

As to the two points on which nullity of the marriage is demanded, Maitre Dauzon, in respect of the first, maintained that the tribunal ought only to annul for default of publication marriages in which a desire has been shown for secret and clandestine proceedings, of which, in the present instance, there is no proof; in respect of the second, that it was absurd to pretend that the father's consent had not been given; he had spoken of the approaching marriage to his medical man and to others in a manner which plainly showed his intention of consenting. Maitre Dauzon made nearly the following peroration:—

In undertaking to plead against a man who wears a gown like my own, I was actuated by a motive which I feel requires explanation. About ten years ago, as I was returning to France from South America, I was shipwrecked opposite Jamaica. An Anglo-American brig rescued me and my shipmates, and took us safely to Jamaica, where we arrived with nothing in our possession but the things we had on upon the night of our shipwreck. We were welcomed by men whose hearts well knew all that is due to misfortune. An English merchant offered me hospitality—i. e. he offered me his house, his purse, his heart. I took all, hoping one day to repay him. On taking leave of my noble host, I begged him to allow me to give him an acknowledgment of the sums he had advanced me. He would not hear of it; he had done no more, he said, than his duty. Should I one day meet an Englishman in misfortune, that I would do for him what had been done for me, was all the recompense he asked. I found Mme. de X . . . . in misfortune, and I became her counsel.

M. le Procureur Impérial d'Astin summed up for the nullity of the marriage by reason of the absence of the father's consent.

Conformably with his conclusions the Tribunal pronounced the nullification of the marriage.

Legislation of the Year.

21 & 22 VICTORIÆ, 1857-8.—(*Continued.*)

CAP. LXXIII.—*An Act to amend the Law concerning the Powers of Stipendiary Magistrates and Justices of the Peace in certain cases.*

To the altogether gratuitous character of the services rendered by justices of the peace, there was formerly an exception in an allowance, or wages, appointed to them by 12 Rich. 2, c. 10, and 14 Rich. 2, c. 12, for their attendance at sessions; and these payments were made, accordingly, by the sheriffs in certain counties of England so recently as the year 1855. However, by 18 & 19 Vict. c. 126, s. 21, the provisions in any Acts directing or authorising the payment of such wages were repealed. But in certain populous places, and particularly in the metropolis, and some other large districts, it has been long the practice to appoint (in addition to the borough recorders) under the authority of some special Act of Parliament, a paid, or "stipendiary" magistrate, to act either by himself or together with the other local magistrates; and as these paid functionaries are, as the general rule, required to be of a certain standing at the bar, and presumably better lawyers than the general class from amongst whom the commission of the peace is filled up, it has been the practice to entrust them with more extensive powers than belong by law to a single magistrate. Thus, in the 11 & 12 Vict. c. 42 (the Act passed in 1848 to facilitate the performance of the duties of justices of the peace, out of sessions, with regard to indictable offences), we find inserted a general provision (s. 29) that not only the metropolitan police-magistrates, but "every stipendiary magistrate appointed, or to be appointed, for any other city, town, liberty, borough, or place," shall have full power to do *alone* whatsoever is by that Act authorised to be done "by any one or more justice or justices of the peace." And a similar provision is inserted in the Act of the same year with respect to summary convictions and orders (11 & 12 Vict. c. 43, s. 33); and again, in the Act passed in 1855 for diminishing expense and delay in the administration of criminal justice in certain cases (18 & 19 Vict. c. 126, s. 16), with regard to the duties of justices under that Act in their petty sessions. But inasmuch as there are statutes which require particular duties to be performed by *two* justices not within the scope of the matters authorised to be done by either of the three Acts above specified, a still more general provision with the same object seemed required; and this forms the first subject matter of the Act under discussion, for (ss. 1, 3) every stipendiary magistrate sitting at a police court, or other place appointed in that behalf, shall have power to do alone any act, and to exercise alone any jurisdiction (sessional matters and licenses alone excepted), which, under any law now in force, or under any law not containing an express enactment to the contrary hereafter to be made, may be done or exercised by two justices; and (s. 2) this provision is to extend even to those cases in which the Act or jurisdiction is expressly required to be done or exercised by justices in petty sessions—that is, by justices acting in concert. It is to be observed that, in the previous provisions the *metropolitan* police magistrates were expressly included, together with other stipendiaries (and this so recently as in the 18 & 19 Vict. c. 126, before referred to), but in the present Act they are *excluded* from the general provision above mentioned.

The Act contains two other clauses affecting the position of stipendiary magistrates. They are now for the first time enabled to appoint (with the approval of the Home Secretary) deputies of at the least seven years' standing at the bar for six weeks out of the twelve months; and any stipendiary magistrate may now be appointed a metropolitan police magistrate, although not (as required by the Acts regulating the appointment of magistrates for the metropolis) a barrister who has practised for seven years, or for four years at, and three years as a pleader below, the bar. The general use of this clause is not very apparent; but it has probably been inserted at the instance of some particular candidate for the metropolitan bench. It may also be remarked that the qualification for being appointed a stipendiary magistrate is now less stringent than for being appointed a deputy. Thus, by 17 & 18 Vict. c. 20, s. 4, the stipendiary magistrate for Manchester and Salford may be a barrister of four years' standing, while, by the effect of the Act under discussion, his deputy must have practised for at least seven years.

Another object of the present Act is to extend one of the provisions of the Act of 1848 with regard to "summary convictions and orders." By 11 & 12 Vict. c. 43, s. 22, it was enacted that where a penalty, or sum recovered before justices, was authorised by the Act on which the conviction or order was founded, to be levied by warrant of distress against the offender's goods, and no remedy was provided thereby in case of no sufficient distress, the offender might be committed to prison for three months unless the amount should be sooner paid. This is now extended by the fifth section of the Act under discussion (and shall be "deemed to have extended" with reference it may be presumed to magisterial commitments already adventured and now disputed) to cases where the statute under which the conviction or order is founded does *not* authorise a levy by distress, but, on the other hand, provides no other mode of levying or enforcing payment of the same. In such cases, if under the general authority of 11 & 12 Vict. c. 43, s. 19, a distress warrant issues to enforce payment of any sum ordered to be paid by a conviction or order, and to such warrant it be returned that no sufficient goods of the party can be found, then the commitment for three months under 11 & 12 Vict. c. 43, s. 22, may take place.

Passing by ss. 6 & 7 as referring only to the metropolitan police district, we arrive at a group of clauses carrying out the third object of the Act—viz. the amendment of the system under which courts of sessions are divided for the despatch of business. These are from the eighth section to the eleventh inclusive; and after repealing the existing provisions with regard to this subject contained in 53 Geo. 3, c. 28, as amended by 7 Will. 4 & 1 Vict. c. 19, s. 4, and 5 & 6 Vict. c. 38, s. 4, the Act proceeds to authorise the justices who shall be present at any court of quarter, general, or adjourned quarter sessions, to appoint two or more of their body (one being of the quorum) to form a second court, to hear and determine such business as may be referred to them; and declares that all orders, rules, and regulations made for the apportionment of business after such second court is formed, shall continue in force as long as expedient without the necessity of renewing them at each succeeding session. Moreover, the Clerk of the Peace, or his deputy, is to appoint a person to record the proceedings of the Record

Court, who shall be paid out of the county rate. An additional crier may also be appointed by the justices, and remunerated out of the same fund.

Finally, the Act under discussion contains (s. 12) the following general provision with regard to the effect of sentences on prisoners, viz. "Every sentence pronounced by any Court of general or quarter, or adjourned sessions of the peace, shall take effect from the time of the same being pronounced, unless the Court otherwise directs." We do not understand why an express provision to this effect should be required; nor if it be, why it should be in its terms confined to *sessional* courts.

CAP. LXXIV.—*An Act for the re-arrangement of the Districts of the County Courts among the Judges thereof.*

When the district county courts were first established in 1846, it was provided that the new plan of judicature should be used in such counties, as should be thought fit by her Majesty in council; and that orders in council might also issue, appointing the limits of the "district" or locality over which each Court should have jurisdiction. On the 31st March, 1855 (as appears by the Report of the County Court Commissioners of that date), the number of districts thus parcelled out was 495, and that these had been divided into sixty circuits, for each of which there was a different judge. The 9 & 10 Vict. c. 95, moreover enabled the Crown to alter or consolidate such districts from time to time as might appear expedient, and to order that the number of districts into which any county should be divided might be increased, until the *whole* of the county fell within the provisions of the Act; and also to order that portions of two adjoining counties might be directed to form part of the same district. Under the Act of 1846, the different county court judges were appointed practically with reference to the circuits into which the districts constituted were divided, and not the districts themselves; and though the statute speaks (s. 3) of there being "a judge for each district," in point of fact the same person was in many cases appointed to be judge of county courts held in several districts, a construction of the Act which was discussed and held valid in the Court of Queen's Bench (*Reg.* v. *Parham*, 13 Q. B. 858). The Act allowed (s. 19) the Lord Chancellor to remove a judge from one district to another, but was silent with regard to any change in the general distribution of the districts, should such become desirable; but the experience of twelve years has now suggested cases in which it may be advisable to make changes in the distribution of the different districts among the judges, so that a district originally entrusted to the person appointed as judge of some particular circuit should be transferred to the judge of some other circuit. The constitution of the districts themselves was dealt with by the Act of 1846, and, as we have seen, entrusted to the Crown, in council. The change desired was not in the division or limits of the different districts, but with respect to the judges placed over them. Hence the Act under discussion enables the Lord Chancellor to alter the existing distribution; and to remove a judge from all or any of the districts originally within his circuit, for the purpose of appointing him to others, or to appoint him judge of additional districts to those originally comprised in his circuit; and in order to complete the flexibility of these topical arrangements, which has been found to be so desirable, the same district may now by the same authority be presided over by two persons; in other words, one court town in a district may be assigned to the judge of Circuit I., and another town of the same district to the judge of Circuit II., or as the case may be.

The Act of 1846 contained, moreover, no limitation as to the aggregate number of judges to be appointed; all that the statute says upon this subject being that as many are to be appointed "as are needed." This vagueness, however, is now corrected by the Act under discussion, which provides that "until Parliament shall otherwise direct, the judges of the county county courts shall not exceed sixty in number."

The residue of the Act consists of two clauses, neither of which have much to do with the "re-arrangement of districts," but were inserted in deference to the complaints of the county court judges, or, at least, of certain among them, with regard to two recent enactments affecting their interests. One of these is fresh in the recollection of our readers, who will not have forgotten the recent indignant remonstrance of Mr. Serjt. Jones on the decision of the Court of Exchequer, with regard to the 43rd section of 19 & 20 Vict. c. 108. His triumph over the Barons is now complete; for, by the 4th section of the Act under discussion, no rule or summons requiring a county court judge, or officer, to show cause why an act relating to the duties of his office should not be done, nor directing such act to be done, can for the future issue, unless by the act of the *Court*, and not of any single judge. By the following section another grievance, much complained of by some of the county court judges, is redressed. By the Common Law Procedure Act, 1854, a superior court of common law, or judge thereof, was enabled to refer causes to the judges of county courts. It had been decided that such a reference could not be *declined* by the county court judge, and, in one instance, he was compelled to undertake it by the Court of Queen's Bench. This indignity, also, is now removed; and the provision enabling causes to be referred by the superior court to the county court is altogether repealed.

Correspondence.

EDINBURGH.—(*From our own Correspondent.*)

I have been hoping that ere this the queries contained in the letter of your correspondent X. Y. Z., would have been answered; but as this has not been done, and as there is evidently a difference between the English and Scotch law on the subject to which his letter relates, I shall state, as shortly as possible, what occurs to me on the subject. I must observe, however, that I do not profess to have any knowledge either of English law or of its terms; and it is therefore quite possible that I may have misapprehended the case put by your correspondent, if so, he will correct me.

The facts as stated are these: A. made a will, giving a life estate to B. in certain funds, with remainder to C., who is a married woman, and whose husband is alive. C. was resident and domiciled in Scotland when the will was made; she was married in Scotland; and she is still resident and domiciled there. Your correspondent states, that, according to English law, C. and her husband cannot assign the fund so as to bind C., in the event of her survivance. "Nor can any scheme be adopted by which C. can be made to take a vested interest not in reversion and assignable at once;" and he asks these questions—

1st. Does the same rule exsist in the Scotch Courts?

2nd. If not, then, would the Courts here act on the Scotch or the English law?

I assume from the use of the term "funds," that the subject is moveable; if it had been heritable, I should suppose that all questions of right relating to it would have been disposed of upon the principles of English law—at least, that is the Scotch rule; there is therefore no specialty of this kind to deal with. The next question to be considered is, the nature of the right. In dealing with this, I assume that the English terms "life estate," and "remainder," and the Scotch terms, "life-rent," and "fee," are equivalent to each other, or as nearly so as the genius of the two systems of law will permit.

The first observation that it occurs to me to make is, that, in Scotland, marriage operates as an assignation of all moveable property belonging to the wife at the time of her marriage, or to which she may succeed during its subsistence. This legal assignation would undoubtedly, in Scotland, include any fund, the fee or remainder of which had been destined to the wife, although that fund might be life-rented by another; and the husband, in virtue of his marriage, would be entitled of himself, without the consent of his wife, to assign the fee so destined to her; and neither his predeceasing the term of the expiry of the life-rent, nor his wife surviving him, would in any way affect the validity of the assignation. From this statement it will be at once understood, that, in Scotland, the fee of a fund so destined vests at once in the husband. But I gather from your correspondent's statement, and, I may add, from some English authorities which I have consulted, though I speak with great hesitation about them, that in England, whether the fee vests in the wife, and remains necessarily vested in her because she can execute no valid deed during her husband's lifetime, or not, some kind of right remains in the wife in spite of her marriage; that that right is not assignable to the effect of passing the fund during the subsistence of the life-rent; and that, until the husband has actually reduced it into possession, which, apparently, can only be done when the life-rent expires, he cannot deal with it as his own property; and if his wife survives him she becomes entitled to the fund on the death of the life-renter. There is no such doctrine in Scotland; the fee in such a case vests so completely, that a fiar may demand immediate payment of the fund so destined, if he produce to his debtor a legal renunciation by the life-renter of his life interest. From this statement I hope that your correspondent will have no difficulty in extracting an answer to his first question.

With regard to his second question, it appears to me that it is entirely one for an English lawyer. It would be difficult for a Scotch lawyer to say how English Courts would deal with any particular question, but if such a case were to occur here, it appears to me that if the question arose upon the validity of an assignation by C.'s husband, the first point that would be determined would be, whether the fund vested in C. or in C.'s husband, which in Scotland would be the same thing. If the testator were an Englishman, and had died domiciled in England, the Court here would ascertain the law of England, and apply it. If the fee or remainder did not vest by the law of England, the assignation would be bad; if it did vest the assignation I think would receive effect, without regard to the specialties of English law regarding remainders. The vested right would be treated as Scotch estate in the person of a Scotchman.

The university commission for Scotland have appointed Mr. Robert Berry, of the Inner Temple, their secretary. Mr. Berry belongs to the common law bar, and is a fellow of Trinity, and a Scotchman. The appointment is said to be worth £700 a-year, but it is understood that the office will be no sinecure.

Notes on the Law of Prescription.

(From our Dublin Correspondent.)

The shortest Act of the last session (21 & 22 Vict. c. 42) is one which renders *the law of prescription* uniform in England and Ireland. After reciting that, by 2 & 3 Will. 4, c. 71, provisions were made for shortening the time of prescription in certain cases, which it was expedient to extend to Ireland, it is enacted that the provisions of the Prescription Act shall, from and after the 1st January, 1859, extend and apply to Ireland. As the law will so soon be assimilated, it may be worth while to advert briefly to the changes introduced by the Prescription Act, and to the principal subjects concerning which claims based on prescription may be set up.*

It has always been a principle of English law that for a state of things which has existed a very long time, and which is opposed to no positive statute, a legal origin will be presumed. Where, therefore, incorporeal hereditaments had been long enjoyed, a grant of them would be presumed, as a grant is the ordinary origin of such rights; but no right not capable of being granted could be claimed by prescription. The Roman law was much to the same effect:—"Immemorial prescription rests upon the principle recognised both by law and uniform practice, that he who has been *beyond the memory of man* in the same uninterrupted state, must, solely on that account, be regarded and treated as if he had acquired a right to be in that state by means of *some valid transaction*. Consequently, it follows that all rights capable of being acquired at all, may be acquired even without any title, by immemorial prescription, provided only they have been uninterruptedly exercised as rights. The existence of the necessary state of things must, if disputed, be proved. The evidence to be opposed to this must go to show either that the state of things has not existed beyond the memory of man, or has not been uninterrupted: (Thibaut, Des Pandekten Rechts, by Lindley, s. 197). In the reign of Edward III., a want being felt of some period of limitation, the commencement of the reign of Richard I. (A.D. 1189) was fixed on as the period of legal memory, and so continued up to the present generation. To render the possession of rights more secure, "for the purpose and from a principle of quieting a long possession," as Lord Mansfield expressed it, the courts of law have always been disposed to *presume* that a right has existed beyond the period of legal memory, where it is *proved* to have been exercised for a series of years. Accordingly, prior to the passing of the Prescription Act, upon a regular usage for twenty years, not explained or contradicted, many public and private rights were founded. Length of possession, which formerly was only evidence to go to a jury, is now by the Act constituted an absolute bar or foundation of a right; the Act has, however, in regard of the subjects mentioned in its 1st section, altered the law by requiring proof of a longer period of uninterrupted enjoyment than was formerly held sufficient. A prescription has this in common with a custom, that it must be certain, and reasonable; of which the judges alone decide. Prescription is a personal claim, while custom is a local one; therefore many things may be claimed by the former which could not be claimed by the latter, as, for instance, profits à prendre on the land of another, which may be claimed by an individual by virtue of a real or supposed grant executed in former times, although not now forthcoming, but which cannot be claimed by all the inhabitants of a district, because that would be unreasonable, and would result in the destruction of the subject matter: (*Race* v. *Ward*, 4 Ell. & Bl. 405, 413.) Such incorporeal hereditaments can be claimed (or prescribed for) on the ground of immemorial usage as at common law might originate by grant—as ways, and other easements, commons, royalties, tolls, fairs, and markets. Lands and other corporeal substances which did not at common law lie in grant (although they may now pass by grant under the recent statute, 8 & 9 Vict. c. 106, s. 2) cannot in general be claimed by prescription. We proceed now to the subjects mentioned in the 1st section of the Prescription Act, viz.—

1. *Rights of Common, and other profit à prendre.*

Sect. 1 recites that the expressions "Time immemorial," &c., was held to denote the whole interval from the reign of Richard I., which was productive of inconvenience and injustice, and enacts that no claim which may be lawfully made by custom, prescription, or grant, to any right of common or other profit or benefit on or out of any land (of the Crown or otherwise) except tithes, rent, and services, shall be defeated after thirty years' enjoyment, merely by showing the commencement thereof. And after sixty years' enjoyment, the right is to be absolute and indefeasible, unless enjoyed under some consent or agreement in writing.

This section it appears applies only to the profit or benefit out of any land, and not to rights of way or rights of receiving air, light, or water, which are easements, and come within the operation of the 2nd section: (3 Ad. & E. 554; 5 Ad. & E. 764). Rights of fowling, fishing, and hawking, may be regarded as profits arising out of the land, within the meaning of the 1st section. The right of hunting is open to some question, as it does not necessarily import the right to the animal when taken, and may imply but a personal license of pleasure: (Shelf. R. P. S. 3). To establish the right claimed under this section it is necessary to adduce evidence of uninterrupted enjoyment for the whole term of thirty years: the clearest proof of enjoyment for any term short of thirty years is insufficient. Thus where a plaintiff proved that he had depastured his cattle on the defendant's land for twenty-eight years, the judge directed that his case had not been made out; if the claim had been made by virtue of immemorial user, or of a non-existing grant, as was done before the statute, twenty-eight years enjoyment would have been some evidence; but the late Act, while it dispenses with the necessity of setting up such user or grant, and limits proof to a thirty years enjoyment, requires that the enjoyment shall be proved to the full extent: (*Bailey* v. *Appleyard*, 8 Ad. & E. 165). There are many descriptions of common—common of pasture, or the right to depasture cattle on the land of another, and in some instances the right to the sole and exclusive pasturage has been established; common of turbary; common of fishing; common of estovers, or of taking wood and underwood; and lastly, a right of taking sand or stone from the land of another. All these claims must be within some reasonable limits and restrictions, or they will not be valid: (*Clayton* v. *Corby*, 5 Q. B. 419).

2. *Wages, Easements, and Watercourses.*

Sect. 2 enacts, that no claim to any way or other easement, or to any watercourse after twenty years enjoyment, shall be defeated by showing the commencement thereof; and that where such enjoyment shall have continued for forty years, the right thereto shall be deemed absolute and indefeasible, unless some consent or agreement in writing appear.

This section comprehends any claim, not only to the use of a watercourse, but also to any use of any water derived upon or flowing over the land of another. Easement is distinguished from profit, as being an accommodation or convenience, and not a subtraction of anything of value from the land of another. Easements are of various kinds. The following kinds of rights are to be classed as easements, and, as such, fall within the 2nd section:—the right to water cattle at the pond of another,—to cross his land,— to receive a flow of water from, or to discharge waste water upon, his land,—to receive support from his

* Foreign jurists draw no distinction between the doctrines of prescription, according to which the right to incorporeal hereditaments is acquired by length of time, and the analogous doctrines relating to the limitation of actions and suits: they comprehend both under the heads of "immemorial" or "definite prescription." Tithes are, it will be observed, excepted from the Prescription Act, being separately dealt with by 2 & 3 Will. 4, c. 100. The old law of prescription will be found in Comyn's Digest (tit. "Prescription") and Cruise's Digest, vol. 3, tit. 31. For the new law, and the decisions thereon, we are indebted to Chitty's Statutes, vol. 3; Selg. R. P. Statutes; and Shelford, R. P. Statutes, 6 ed. pp. 95—121.

buildings. The enjoyment of an easement by a person claiming right thereto under this section, means a continuous enjoyment *as of right* for 20 years next before the commencement of the action, *as an easement*, without interruption acquiesced in for a year. The claim cannot therefore be substantiated if there have been unity of possession during part of the term: (4 M. & W. 476; 7 Ad. & E. 698). It is important to show the nature of the user, and of the interruptions, when the question arises —whether the enjoyment was of right? For though no interruption for less than a year breaks the period when once the enjoyment as of right has begun, yet interruptions acquiesced in for less than a year may show that the enjoyment never was of right: (Per *Coleridge* J., 17 Q. B. 275). It was at an early period decided under this section, that such an enjoyment of a right of way or other easement for twenty years, as would not confer a good title against all persons having estates in the lands, would give no title at all, even as between lessees or others having partial interests (1 C. M. & R. 211).

Rights of way may be public or private. Public highways are portions of land which have been dedicated by adjacent proprietors to the public use, the freehold still remaining in the owner of the soil, who is therefore entitled to the profits, such as minerals, trees, &c. With regard to slips of waste land bounding the highway, the presumption of law is, that they belong to the adjoining owners, and not to the lord of the manor, but this may be rebutted by evidence (6 Q. B. 487; 4 C. B. 267). Very slight evidence will be required to establish the dedication of a road to the public; the intention so to dedicate may be inferred from the uninterrupted user of a few years; and once a public highway, it cannot be reclaimed from the public. A private way is the right which one or more persons have of traversing the land of another. If existing in connection with an estate which is conveyed, it will pass under the ordinary general words as appurtenant to the land; but no right of way, or other easement, which has ceased to exist (by unity of ownership or otherwise) will pass under the word "appurtenances:" (16 M. & W. 484; 3 Exch. 279).

Watercourses, or rights of using water which flows from the land of another, are incorporeal hereditaments commencing in grant; and whether artificial or natural streams are the subject of the easement, title may alike be gained by user as of right for twenty years. A well-known passage in a judgment of Sir J. Leach (1 S. & S. 203) states the law as to natural watercourses:—"Primâ facie, the proprietor of each bank is the proprietor of half the land covered by the stream; but there is no property in the water. Every proprietor has an equal right to use the water which flows in the stream; and, consequently, none can have the right to use the water to the prejudice of any other proprietor, without the consent of the other proprietors who may be affected by his operations. No proprietor can either diminish the quantity of water which would otherwise descend to the proprietors below, nor throw back the water upon the proprietors above. Every proprietor who claims a right either to throw the water back above, or diminish the quantity of water which is to descend below, must, in order to maintain his claim, either prove an actual grant or license from the proprietors affected by his operations, or must prove an uninterrupted enjoyment of twenty years." This term of twenty years, as before remarked, under the Prescription Act, confers a title in itself, whereas formerly it was (by a legal fiction) taken as merely affording evidence of a grant. The notion is now exploded that flowing water, being publici juris, might be appropriated by the first occupant for a beneficial purpose (5 B. & Ad. 24; 5 M. & W. 220). The right of the owner of the land to the use of the water flowing past it is not an absolute right, but a right subject to the similar rights of all the other owners of the banks on each side: (Per Parke, B., 6 Exch. 369). With regard to *navigable* rivers, the presumption is, that the soil is vested in the Crown; but a subject may claim a several fishery therein by prescription; and may, under some circumstances perhaps, claim an interest in the soil and channel of the stream: (2 Mac. & G. 247).

(To be concluded in the next number.)

Review.

A Selection of Legal Maxims, Classified and Illustrated. By Herbert Broom, M.A., Reader in Common Law to the Inns of Court. Third Edition. London: Maxwell. 1858.

We have not at this moment before us Arnold's "Lectures on Modern History," and we are not sure whether in that work the advice is prominently put forth, which we know he frequently urged in oral tuition, viz. that the student should select, for each century or other divisional epoch, some striking event or illustrious name around which to collect all the information in the seeker's power, and surely this device is a most happy one; for springing from these several roots, the fibres of the tree of knowledge strike freely into the intervening space, and speedily so interpenetrate each other as to form a compact and continuous mass. But if this be true with regard to the science of history, we apprehend that an analogous method of study may be resorted to with much advantage in grappling with other branches of learning. In all cases, indeed, some preliminary study of the general configuration of the system must be supposed; for to know intimately all the details of the battles of Marathon and Philippi, together with all the events immediately preceding and following those momentous conflicts, would be of little use to one who is ignorant of the relation which Greece bears to Italy in the world's history. As in history, so also with regard to law. We believe that for one who has mastered the great divisions and subdivisions of our juridical system; who knows somewhat of the doctrines which govern our law of real as distinguished from personal property; who can read with interest the reports, and listen with resignation to the arguments in Westminster Hall—for a man, we say, who has arrived at this stage in his education as a lawyer, we know not what course we could with more confidence advise than to select for his pursuit the most important "legal maxims" he can meet with, and to hunt them, so to speak, successively to death.

As a preserve for such sport, the selection of maxims brought together and explained by the learned Reader in Common Law to the Inns of Court is most valuable. Had Mr. Broom, indeed, been the first to originate such a design, he would deserve a reputation in his profession still higher than that which he actually enjoys. But though various collections of maxims preceded the present one, and Mr. Broom has but followed in the track of Bacon, Noy, Wingate, Halkerston, and other sages of the law more or less eminent, this circumstance by no means diminishes the merit of the result, but rather has a most important bearing on its value. There is not a truer proverb (if we may venture to allude to a homely saying while considering the recondite maxims to which our attention is at present invited) "that Rome was not built in a day"; and the free recourse which has been had to the labours of others could not have been abstained from by the author without great loss to his readers.

Mr. Broom's work has been long so thoroughly appreciated by the profession, that in noticing a third edition we may properly assume that its general nature is familiar to most of our readers. The author hesitated in the outset whether he should arrange the maxims he had collected in a classified, or simply an alphabetical, order; and though the first was finally determined upon, so far at least as to group together in separate chapters the different maxims which are applicable wholly or chiefly to some distinct branch of the law, yet the alphabetical plan is not altogether disregarded, as a complete list, with the pages annexed, follows immediately after the table of contents. We have some doubt whether the decision of Mr. Broom, in adopting a classified arrangement, was a happy one, and we are sure that the classification actually used is in some points defective. Why, for example, should two chapters of maxims, for which no other heading can be respectively found than "Rules of Logic," and "Fundamental Legal Principles," be inserted between those which relate on the one hand to the judicial office, and the mode of administering justice, and on the other to the acquisition, transfer, rights and liabilities of property? Moreover, to the logical propriety of the last attributes of "property," we venture to demur; for it is surely inaccurate to substitute the expression, "Property, its Rights and Liabilities," for the rights and liabilities to which property gives rise. But waiving these objections, there is in our judgment but little use in any classification at all. As already intimated, the importance of the study of these maxims which embody the principles of our law can scarcely be exaggerated; but we do not think that this can be advantageously pursued by reading from the beginning to the end such a work as that before us. It is properly a work of reference, for "maxims" have, as the general rule, so little natural connection with each other, that it is scarcely possible to thread them on any line which shall not be arbitrary in its character, and consequently useless as an aid to the student. It would not be difficult to find many examples of this natural difficulty in turning a collection of maxims into a connected treatise; but it is sufficient for our purpose to point to the chapter which Mr. Broom has headed "The Law of Contracts."

One of the maxims here placed, is that of "Respondent Superior," and yet occasions may arise for applying it which have not any reference to the subject of contract at all. We apprehend, for example, that the technical meaning of "contract" does not apply to a command by one person to another (whether the relation of master and servant exist between them or not) to do an illegal act, or an act necessary to be done in an unlawful way; and yet (as Mr. Broom himself tells us), if B. does such an act at the command of A., A. will be responsible to C., who sustains damage consequential on the act thus done, there being here the injuriâ et dammum, which suffice to constitute a cause of action. Again, another of the maxims treated of in this same chapter, viz. actio personalis moritur cum personâ, is surely inaptly placed. To quote again the author against his own arrangement, we are told that this maxim "is peculiarly applicable to actions in form ex dilicto." In other words, that its chief application is in the extinction of those causes of action against the deceased, which arose from some wrong he committed, *independent* of contract; some assault of which he was guilty; or some libel, or slander, he perpetrated; or such causes as are now, under certain circumstances, preserved alive by the effect of Lord Campbell's Act, the 9 & 10 Vict. c. 93. But what has all this to do with the law of contracts? or what is the natural link between the first maxim of which we have spoken and this last?

But, though there may be some objections to the classification attempted by Mr. Broom, we are anxious to endorse, with our unqualified and warm approbation, not only the plan he has adopted in commenting on each particular maxim, but the manner in which that plan is worked out; and we heartily congratulate the student upon the appearance of this new edition of such a deserved favourite. In resorting to it for information, he will (to borrow the language of another Temple student, though not of law) find himself "tumbled into a spacious closet of good old English reading, where he may browse at will upon that fair and wholesome pasturage." Let us suppose, for example, that he selects for his study a maxim of such frequent occurrence in his reading as "sic utere tuo ut alienum non lædas,"—a rule respecting which Mr. Broom remarks that it is capable of being applied to so large a number of cases, and under circumstances so dissimilar, that he only professes to suggest a few leading illustrations. This may be so, but in those actually adduced the student will find much satisfaction, as they are both in themselves full of instruction, and are suggestive of further research. We cannot advantageously transfer to our columns any portion of the illustrative portion of the essay as the fabric carefully erected upon thestable foundation of reported decisions could not be fairly judged of without its proper context, yet we will state the four general propositions which are ultimately deduced as elucidatory of the maxim itself, these are—

1. It is primâ facie competent to any man to enjoy and deal with his own property as he chooses.

2. He must, however, so enjoy and use it as not to affect injuriously the rights of his fellow-subjects.

3. Where rights are such as, if exercised to conflict with each other, we must consider whether their exercise by either party be not restrained by the existence of some duty imposed on him towards the other. Whether such duty be or be not imposed, must be determined by reference to abstract rules and principles of law.

4. A man cannot, by his tortious act, impose a duty on another.

But, lastly, a wrong-doer is not necessarily, by reason of his being such, disentitled to redress by action, as against the party who causes him damage, for sometimes the maxim holds, that injuriâ non exeusat injuriam.

A few words in conclusion with regard to the present issue of the work, as compared with those which preceded it. The author states in his preface, that he has not only thoroughly revised the previous edition, but has carefully examined and sifted the cases which have accumulated during the last ten years, with a view to the further improvement of what is evidently a favourite production. Fresh cases, it may be observed, however, are of less importance to a compendium of legal principles, than to such law books as treat of practice. "There is nothing new under the sun," and modern ingenuity seldom discovers a fresh principle of law, or fails to apply successfully some one among those already sanctioned to new combinations of circumstances. Still the decisions of the Courts for so considerable a period as ten years have afforded additional illustrations of the original positions, and that of these Mr. Broom has properly availed himself, his painstaking and conscientious industry are a sufficient guarantee. "Omnia præsumuntur rite et solemniter esse acta;" and we have not the least doubt that the maxim is as true with regard to the use which Mr. Broom has made of his fresh materials, as with regard to those matters to which he himself applies it, for the instruction of the student.

MR. INCE'S EDITION OF THE TRUSTEE ACTS.

In reviewing this work in our journal of the 18th ult., we used the words, "if it should reach a second edition." It appears that a second edition was published in May last, and this was the edition upon which our criticisms were made. Our meaning of course was, "if the work should reach an edition subsequent to that before us."

Professional Intelligence.

INCORPORATED LAW SOCIETY.

Annual Report of the Council.—*June* 29, 1858.

I. *Alterations in the Law.*

Before proceeding to state the measures which have been under consideration in the present session of Parliament, it may be useful to notice briefly the statutes passed since the last annual meeting, which more or less affect the members of the profession. They were as follow:—

The Joint Stock Companies Amendment Acts, 20 & 21 Vict. cc. 14 & 80.
The Joint Stock Companies Winding-up Amendment Act, c. 78.
The Act for the Admission of *Colonial Solicitors* in the Superior Courts in England, c. 39.
The Summary Proceedings before Justices of the Peace Act, c. 43.
The Banking Companies Act, c. 49.
The Municipal Corporation Amendment Act, c. 50.
The *Fraudulent Trustees* Act, c. 54.
The *Married Women's* Reversionary Interests Act, c. 57.
The *Probate* and Letters of Administration Act, c. 77.
The *Divorce* and Matrimonial Causes Act, c. 85.

These measures, during their progress through the respective Houses of Parliament, received the attention of the council, wherever it appeared that the interests of the suitors, or of the profession, or the due administration of justice, were involved therein.

Probate and Divorce Acts.—By the Acts establishing the new Courts of Probate and Divorce, the right of attorneys and solicitors to practise therein has been fully secured; and there is good reason to expect that the same right will be extended to proceedings in the Admiralty Court.

It was apprehended by some members of the profession, before the passing of these Acts, that a clause proposed by the Secretary of the Treasury would have the effect of imposing the admission stamp of £25 on attorneys and solicitors who claimed to practise in the Probate and Divorce Courts; but on application to the Solicitor of Inland Revenue, it was ascertained that the stamp clauses on admission and annual certificates were intended to meet the case of deputy registrars and others, who may become proctors under the Acts, and not to attorneys and solicitors. In fact, according to the terms of the clause, the duty is payable by persons "admitted as *proctors*;" but attorneys and solicitors are expressly entitled to practise in the new Courts, and require no admission as proctors. The provision as to the certificate duty properly meets the case of those who, if they had confined their practice to the new Courts, would not (but for this clause) have been liable under the present Stamp Acts to the annual tax.

Colonial Solicitors Act.—On the introduction of the Bill for the admission of colonial solicitors in the superior courts in England, the council submitted to the Treasury that such solicitors should not be admitted to the rights and privileges of English solicitors without being subjected to the like burthens, including the usual examination and the payment of stamp duties on articles of clerkship, as well as on the admission into the superior courts; and provisions to effect these objects were accordingly introduced, and form part of the enactments which have passed.

Married Women's Reversions.—The Bill to "enable married women to dispose of reversionary interests in personal estate" was designed to place the *reversionary* interests of married women in personal estate on the same footing with their interest in possession, and to enable them to make a valid disposition of the former. A married woman could not dispose of interest in possession where the instrument under which she derived such interest contained a restriction upon alienation, although a femme sole might dispose of her interests in personal estate whether in possession or reversion, notwithstanding such restriction. The 1st section of the Bill enabled a mar-

ried woman to dispose of her reversionary interests "as fully and effectually as she could do if she were a femme sole;" and it appeared to the council that she would thereby be enabled to do, with reference to reversionary interests, what she could not do with respect to interests in possession. The council applied to Lord Wensleydale, and he kindly interfered and effected an amendment which removed the objection.

II. New Bills in Parliament

The Parliamentary Bills which have been brought under the notice of the council during the year are as follow:—

	By whom introduced.
Transfer of Land	Lord Cranworth.
Mortgagees, Trustees, &c.	
Transfer of Estates Simplification	Lord St. Leonards.
Law of Property Amendment	
Trustees Relief	
*Probate Court Act Amendment	Lord Cranworth.
*Divorce Court Act Amendment	
*Leases and Sales of Settled Estates Act Amendment	
Imprisonment for Debt Abolition	Lord Brougham.
District Courts of Bankruptcy Abolition	
*Chancery Procedure Amendment	Solicitor-General.
*Copyhold Acts Amendment	
Common Law Procedure Amendment	Mr. Atherton.
Registration of Partnerships	Mr. Wilson Patten.
*Non-Parochial Registers	Mr. Walpole.
*Stamps on Bankers' Drafts	Chancellor of Exchequer.
*Drafts on Bankers	The Attorney-General.
Wills executed abroad	
*Joint-Stock Banks	Mr. Headlam.
*Joint-Stock Companies	Mr. Fitzroy.

Chancery Procedure Amendment.—This Bill received the Royal Assent on the 28th June, and enables the Court of Chancery, after the 1st of November next, to award damages for a breach of contract, in addition to, or in substitution of, an injunction or decree for specific performance—such damages to be assessed by the Court, either with or without a jury, or before a judge at nisi prius.

The real property measures included in this list may, as to the principal clauses, be briefly described as follows:—

Transfer of Land.—The Transfer of Land Bill proposes to authorise the Court of Chancery, upon a petition, in a summary manner, from certain persons, to order a sale, and (like the Incumbered Estates Court in Ireland) to give an absolute and indefeasible title, subject to certain conditions where the consent of all parties has not been obtained. The Bill, if passed, will operate as an extension of the powers given by the Settled Estates Act, and in many cases render applications to Parliament unnecessary.

Trustees and Mortgagees.—The Trustees and Mortgagees Bill, subject to certain conditions, proposes to give powers of sale to trustees; to enable them to grant leases; to effect exchanges; to invest trust funds in other lands; to appoint new trustees; and to authorise mortgagees to effect sales; to appoint receivers, &c.

Law of Property Amendment.—The Law of Property Amendment Bill, amongst other provisions, is intended to enable the Court of Chancery, where leases were forfeited for breach of covenant to insure, and which neglect occurred, not fraudulently, but from accident or mistake, to grant relief upon such terms as the Court may deem fit; and where partial licenses to assign or underlet have been granted, provision is made that the right of re-entry shall remain in respect of interests not the subject of the license, and restrictions are imposed on the effect of waiver of covenants. The Bill also contains provisions relating to the execution of powers, provision for cases of future and contingent uses, and requires express notice of any charge to bind a bonâ fide purchaser. A vendor and his solicitor who fraudulently conceal deeds, or falsify a pedigree, are made liable to prosecution.†

(To be continued.)

METROPOLITAN AND PROVINCIAL LAW ASSOCIATION.

Annual Provincial Meeting, Bristol, 1858.

Papers on the following subjects will be read at the approaching meeting, to be held at the Bristol Athenæum, on Tuesday, October 5, and the following day:—

1. "The Corrupt Practices Prevention Act Continuance Bill of last Session." By J. M. Clabon, of London.
2. "Some Difficulties in the Law of Property which may be remedied." By James Livett, of Bristol.
3. "Chancery Procedure—General Orders." By T. Kennedy, of London.
4. "The Evils arising from the Publication of Notices of Bills of Sale, and Judges' Orders, by Trade Protection Societies." By W. Ford, of London.
5. "Law of Mortmain." By Lewis Fry, of Bristol.
6. "Remarks on the Laws regulating the Trade in fermented Liquors, as affecting an important Branch of the Laws connected with the Summary Jurisdiction of Justices." By C. A. Smith, of Greenwich, Secretary to the Justices Clerks Society.

It is probable that other papers will be received in time to be read at the meeting.

The hotels recommended by the local committee are the "White Lion," Broad-street; the "Queen's," near the Victoria-rooms, midway between Bristol and Clifton; and the "Bath" Hotel, Clifton. Omnibuses to and from Clifton every half-hour.

Communications may be addressed to H. S. Wasbrough, Esq., Local Secretary, 11, Corn-street, Bristol.

Order of Proceedings.

Monday, October 4.—Committee meeting at 8.30 p.m., at the Queen's Hotel, Clifton.

Tuesday, October 5.—General meeting at the Athenæum, at 10.30. The opening address by Arthur Ryland, Esq., of Birmingham, the chairman of the committee; papers and discussions will be taken. Dinner of the Bristol Law Society at the Merchants' Hall at 6.30.

Wednesday, October 6.—Adjourned general meeting at 10.30. Papers and discussions. General meeting of the "Solicitors' Benevolent Association."

The local committee have kindly made arrangements for affording strangers the opportunity of visiting the many interesting places and objects in Bristol and Clifton, among which may be mentioned Leigh Court and picture gallery, Blaise Castle grounds, Leigh Woods, Zoological Gardens, the Cathedral, Mayor's Chapel, Church of St. Mary Redcliffe, Temple Church, Philosophical Institution and Museum, Law Library, &c.

SOLICITORS' BENEVOLENT ASSOCIATION.

In compliance with the 8th rule of the association, the first provincial meeting of the subscribing members will be holden at the Law Library, at Bristol, on Wednesday, October 6, 1858, for the transaction of the following business:—

To receive the first report of the directors appointed in January last.
To consider a proposition to enlarge rules 2 and 14, so as to give directors the power to extend relief, if necessary, to necessitous members of the profession, who are not members of the association.
And for other business.

The chair will be taken at 10 a.m. precisely.

And, as the 20th rule of the association requires the presence of at least twenty-four members, where any alteration of the rules is proposed to be made, it is earnestly hoped that as many members as can conveniently attend will endeavour to do so.

The meeting will be open to the attendance of the profession generally.

Report of the Lords' Committee on Private Bill Business.

SELECTIONS FROM THE EVIDENCE.

Bartholomew Samuel Rowley Adam, Esq., *Principal Clerk for Private Bills.*

The result of the alterations which have taken place in the conduct of the private business, particularly with reference to the compliance with the standing orders having been proved before the examiners instead of, as was formerly the case, before a Committee of the House, is, I believe, that the expenses have been very much diminished; certainly of witnesses.

My attention has been repeatedly called to the expenses of obtaining Acts of Parliament; and in 1849 a scale of charges, as regarded soliciters and Parliamentary agents, was prepared. That scale has been since acted upon, and is at this moment. I think that it would be an improvement if it were extended to counsel's fees, to witnesses, to engineers, and surveyors. That scale was prepared under the direction of Sir John Lefevre.

I believe that the Parliamentary agents —I mean those who have been long in practice—would not object to have their bills taxed, and a compulsory system of taxation, if such taxation included all costs, charges, and expenses consequent upon preparing, bringing in, and carrying through Parliament any private Act, might be desirable. Parliament would then have a greater control over the cost of this branch of legislation than it has.

The present table of fees was settled in 1849. I had a great deal to do with preparing these fees, and I believe that there is

* The Bills marked thus * have received the Royal assent; the others are postponed.

† Against this clause the council prepared objections, which have been submitted to several of the law members of the House.

not a fee upon this printed list which could be fairly reduced. These are fees payable to the Parliamentary agents, and to the attorneys. I have nothing to do with the fees of the House. Those fees are not the same as are charged in the courts of law. They are very much higher. Why they should be higher I think there is a reason. Most of the Parliamentary agents have been solicitors, and they give up their practice for the purpose of coming here, and practising as Parliamentary agents, and I do not think that the field is so broad for them here as it would be in their own courts.

There is a higher charge allowed for the attendance of a solicitor from the country or elsewhere before Parliament, than there would be if he attended before the Court of Queen's Bench I believe. Why there should be I do not see. The same applies to surveyors and engineers. I think that it would be desirable to include that list of persons in the scale of charges if it were possible to prepare such a scale.

We have a scale of charges in the Lords' House applicable to counsel, and I have never been able to understand why there should be this difference between the scale adopted with respect to counsel employed at the Lords' bar upon appeals, and counsel employed in committee-rooms. There has been no scale for the fees of counsel attending at the bar of the House upon appeals fixed by the House; but in 1840, when Mr. Palk, the present taxing officer, was first appointed, it was thought desirable that some scale should be prepared to regulate counsel's fees. Accordingly this scale was prepared by Mr. Palk and myself, after communication with the agents practising here, particularly in appeals; and although this scale is very much lower than the fees paid to counsel practising upon a private bill, I have never heard a complaint of it. The difference between the charges allowed to counsel practising at the bar of the House, and the fees allowed to counsel practising before a committee, is this: if I retain the Attorney-General upon an appeal, I pay him a retaining fee of 2*l.* 2*s.*, and 5*s.* to his clerk, making a sum of 2*l.* 7*s.* If I present a petition against any bill in this House, I must retain a counsel; I pay him 5*l.* 5*s.*, and 10*s.* 6*d.* to his clerk. Why there should be that distinction between the employment of the counsel in the one place and in the other I have never been able to discover. I must explain, that, upon an appeal, the brief fee to counsel covers the first day's attendance. Upon a private Bill it does not cover the first day's attendance; but the counsel has with his brief what is called the brief fee, and when he goes before the committee on the bill, he has a fee of 10*l.* 10*s.* and 10*s.* 6*d.* to his clerk, called a refresher. I have never been able to understand upon what principle that is allowed. For the opposition to a railway bill I find these charges:—"Drawing retainer, 6*s.* 8*d.* Attending counsel therewith, 10*s.* Paid his fee and clerk, 5*l.* 15*s.* 6*d.* Attending him to fix consultation, 10*s.* Paid his fee and clerk, 5*l.* 15*s.* 6*d.* Attending him with his brief and papers, 10*s.* Paid his fee and clerk, 16*l.* 10*s.* 6*d.* Attending him with his committee fee, 10*s.* Paid his fee and clerk, 11*l.* 0*s.* 6*d.*" So that, according to that arrangement, no one can appear before a committee of the Lords' House with counsel, without paying a retainer of 5*l.* 15*s.* 6*d.*, a consultation fee of 5*l.* 15*s.* 6*d.*, a brief fee at the lowest of 11*l.* 0*s.* 6*d.*, and an attendance fee of 11*l.* 0*s.* 6*d.*, making a sum of 35*l.* 13*s.* for one attendance. Now a counsel may appear on the same day in three or four committee-rooms, and of course stay a very short time in some of those rooms. So that he might receive three times £35 for one day's work before committees.

In fixing a scale of fees for counsel appearing before committees, in the same way as it has been fixed for counsel appearing upon appeals at the bar of the House, I think that there would be no difficulty, so far as regards the retaining fee and consultation fee; and that the brief fee, whatever it might be, should cover the first day's attendance; that there should be no refresher for the first day's attendance.

The House has for many years laid down the rule that no more than two counsel shall be heard upon an appeal. There are exceptional cases, even in appeals. Where an appeal is a very heavy case, for instance, *Small* v. *Attwood*, more than two counsel were allowed, on the ground of its being an exceptional case. I think that the same rule would apply to private Bills.

Supposing there were five committees sitting at the same time, and only two counsel to each Bill, and the promoters of several of the Bills had engaged the same two counsel, I think the effect would be, that, instead of the Parliamentary bar being, as it is now, a limited bar, you would have more counsel, and the committee would always secure the services of counsel.

The same amount of fees is given to every counsel, and I believe that it is now an established rule of the Parliamentary bar that no counsel shall appear in any such committee under a certain established fee; in fact, he would lose professional caste if he were to attend for the same fee for which he would attend in Westminster-hall. No doubt that does not apply to his brief fee, which would be an addition.

With regard to the case of the counsel being retained on different Bills, the following course might be adopted by the taxing master, namely, that only two counsel should be paid for any one day, although possibly three might in course of the proceedings have been retained for the Bill. At present, more than two counsel are paid for daily attendance occasionally. I think that there would be great danger in establishing a rule that two counsel, in all cases, should be allowed upon the taxation of a bill of costs. If one counsel chose, in a little matter like a petition against a Road Bill, to take the matter himself without what is called a junior, I do not think that he should be prohibited from doing so. Two should be the maximum, by no means excluding the case of one counsel managing a whole Bill.

The practice of allowing counsel who attend before Parliamentary committees doubles fee, I have always heard, was first established by Mr Harrison some years ago; upon what ground I do not know. That only the ordinary fees which were allowed in other courts were allowed to the counsel practising before the Houses of Parliament previously I would not say; but Mr. Harrison has always had the credit of increasing counsel's fees to this extent, viz. that the brief fee does not include the first day's attendance. That must have been between 1830 and 1840; that is to say, since the introduction of railways. The fees which were paid upon private Bills before those Parliamentary contests upon railways have not actually been doubled, but the practice has been introduced of the brief fee not covering the first day's attendance. I have always heard, indeed I believe that Mr. Harrison did not deny it, that he originated the refresher for the first day's attendance; in that way these things have crept on. The daily fee for counsel attending at the bar of the House is ten guineas, the same as for appearing before a committee. The daily attendance or refresher fee is £10 10*s.* to counsel, and 10*s.* 6*d.* to his clerk, both upon appeals and in committees. It is a very old-established rule.

That a counsel constantly receives fees on account of a number of committees on the same day, some of which he is not able to attend, I cannot say of my own knowledge; I have heard that such is the case.

The scale to which I alluded has been adhered to in general with respect to appeals; it is never deviated from; it has been adopted now from 1840, certainly, and I have never heard it objected to. The scale of the allowances upon appeals is as follows:—"Fees to counsel and clerks upon appeals and writs of error, retainer, £2 2*s.*; clerk, 5*s.* To settle and sign petition of appeal, £2 2*s.*; clerk, 5*s.* To settle and sign case where no extra trouble imposed, £5 5*s.*; clerk, 10*s.* 6*d.* Fee on drawing according to length, &c., 10*s.* 6*d.* Consultation fee, £5 5*s.*; clerk, 10*s.* 6*d.* Refresher every day the cause is in hearing after the first day, £10 10*s.*; clerk, 10*s.* 6*d.*" Respecting the commencement of these fees I cannot speak from memory, but twenty-six years the practice has existed certainly.

I should say that, without any exception, the way in which the business is conducted by the Parliamentary agents is most creditable to themselves and with great advantage to the public. There would be advantage if we could establish a class of persons who alone were to be allowed to practise as Parliamentary agents, for this reason—If I wanted a suit in Chancery attended to, I should just as soon go to a Parliamentary agent proper to conduct that suit in Chancery as I should to a solicitor practising in Lincoln's-inn to conduct a Bill in Parliament. I have known instances (they are not frequent) where Bills have been lost entirely from the incompetency of the person conducting them; not so much from the incompetency of the individual as a professional man, but from his ignorance of Parliamentary business. There are new men, solicitors, who come here and call themselves Parliamentary agents; they must necessarily go to the officers of the House for information; but they do not quite remember the information which is given them, and very often go wrong.

The extravagant charges in the conduct of private business are not to be found in the charges of the Parliamentary agents; and it would be advantageous to the public to bring more directly under the taxing officer charges for counsel, surveyors, engineers, and witnesses, and I know of no objection to making that taxation compulsory upon every party coming before Parliament. I would add to this list of charges a schedule relating solely to witnesses, as to their expenses and compensation for loss of time.

Alluding, again, to new agents, I believe that expense is in-

curred in this way. A new agent will come down and have his Bill put down for Standing Orders Committee on a Monday or on a Thursday. Now, if he means to get his Bill through, he must bring his witnesses to town on the Friday to be sworn, to give evidence on the committee on the Monday, and on the Tuesday to be sworn, to give evidence on the Thursday, unless, fortunately for him, the House should be sitting on appeals; but an incompetent agent does not stay to inquire whether the House will sit upon appeals, but he brings up his witnesses on the Friday or on the Tuesday, to be sworn.

If an arrangement was to be made with the House of Commons, by which they would waive their privilege, and allow Bills to be brought in in the first instance in the House of Lords, I believe that that would be one of the greatest improvements which we could have; it would spread the work over a longer period, and the work in that way, I think, would be better and more economically done. The evil has, however, been greatly lessened since making the sessional order which limits the time for the second reading of private Bills in this House; they are now brought up at a much earlier period; and if the order be strictly adhered to, still greater improvement will be effected.

As to the average cost of an unopposed Bill, I have ascertained from some of the principal agents in sixty-three railway Bills, heavy and light, the average charges of the Parliamentary agent to be £230; that includes only the Parliamentary agent's charges, not the fees of the House; neither counsel nor witnesses. In an estate Bill, taking the Parliamentary agent's charges only, I should say that £150 would be the maximum; that includes only the Parliamentary agent's charges; that is, exclusive of witnesses and the charges of the family solicitor. Estate Bills vary very much; I should say that you would scarcely find two estate Bills where the costs were of anything like the same amount, even where both were unopposed; though, indeed, estate Bills are rarely opposed. The diversity of cost to which I have referred arises from proceedings out of Parliament, which the different nature of the estates may require. The great bulk of the charges of an estate Bill are incurred by the family solicitor, not only in carrying the Bill through Parliament, but in preparing to bring the Bill into Parliament. When the Bill is in Parliament, all the attendances are the same. The charges vary according to the length of the Bill, in drawing the Bill, in copies, in the printer's account, and so on.

I should say that the average cost of an unopposed turnpike Bill would vary from £250 to £300, £300 being quite the maximum, including House fees, and everything; the actual fees to the House vary very much. Why they vary upon different Bills I cannot say, as I do not estimate the fees upon Bills. Sir John Lefevre does that.

Births, Marriages, and Deaths.

BIRTHS.

ANGELL—On Sept. 24, at 12 Warwick-road West, Maida-hill West, the wife of T. J. Angell, Esq., of a daughter.

COOPER—On Sept. 22, at Northfield-end, Henley-on-Thames, the wife of John Cooper, Esq., Solicitor, of a daughter.

RANDOLPH—On Sept. 29, at 7 Sunderland-terrace, Westbourne-park, the wife of C. Foyle Randolph, Esq., Barrister-at-Law, of a daughter.

SMITH—On Sept. 27, at Croom's-hill, Greenwich, the wife of Mr. Charles Augustin Smith, of a daughter.

STONE—On Sept. 25, at Magadino, Lago Maggiore, the wife of Henry Stone, Esq., of the Inner Temple, Barrister-at-Law, of a son.

MARRIAGES.

HYDE—TOWGOOD—On Sept. 29, at the parish church, St. Neots, by the Rev. Charles Lyndhurst Vaughan, A.M., vicar, Henry Elwin Hyde, Esq., of Caius-college, Cambridge, and Lincoln's-inn, only son of George Hyde, Esq., of Moorgate-house, East Dereham, Norfolk, to Margaret, third daughter of Edward Towgood, Esq., of Paxton-hill, Huntingdonshire.

LAMBE—DURRANT—At the Catholic church, Crayford, Kent, by the Rev. Joseph Alberry, cousin of the bride, John Lambe, Esq., Solicitor, of Moorfield-house, Hereford, son of the late David Lambe, Esq., to Catherine Elizabeth, only daughter of George Durrant, Esq., of Crayford.

LIDSTONE—AMERY—On Sept. 23, at Ashburton, Devon, by the Rev. W. Marsh, G. B. Lidstone, Esq., Solicitor, Kingsbridge, to Catherine, relict of the late Jasper Amery, Esq., of Bow-grange and Alston, and only daughter of Solomon Tozer, Esq., of Ashburton.

MONCKTON—LONG—On Sept. 30, at the church of St. Matthew, Ipswich, by the Rev. Henry Owen, M. A., Rector of Hevenningham, Suffolk, and the Rev. C. H. Gaye, M. A., Rector of the parish, John Braddick Monckton, of 1, Raymond-buildings, Gray's-inn, and 24 Inverness-terrace, Hyde-park, and of Maidstone, Kent, Esq., to Maria Louisa, second daughter of Peter Bartholomew Long, Esq., Ipswich.

SIMPSON—HOLMES—On Sept. 23, at All Saints' church, Maidstone, by the Rev. Samuel Holmes, vicar of Huddersfield and Rural Dean, and the Rev. Warwick R. Wroth, incumbent of St. Philip's church, Granville-square, London, Benjamin William Simpson, of 41 Westbourne-park, and 17 Gracechurch-street, London, Solicitor, to Amelia, eldest daughter of John Holmes, Esq., of Somerfield, Maidstone.

DEATHS.

AITKINS—On Sept. 21, at Heene, near Worthing, after a few days' illness, Edith, daughter of John Aitkins, Esq., of Twickenham-common, aged 3 years and 8 months.

DARLING—On Sept. 27, at Thornbury House, Ryde, Isle of Wight, John Darling, Esq., of the Inner Temple, Barrister-at-law, second son of George Darling, Esq., M. D., of Russell-square, London.

HUNTER—On Sept. 28, at Leamington, Alexander Hunter, Esq., writer to the Signet, Edinburgh.

PLUMPTRE—On Sept.21, at Clifton, Eliza Selina, eldest daughter of the late E. H. Plumptre, Esq., of Queen-square, Bloomsbury, and Lamb-buildings, Temple.

SALMON—On Sept. 30, at Madras, of lingering consumption, Edward Salmon, Esq., barrister-at-law.

WALLER—On Sept. 25, at St. John's-wood, aged 51, Mary, wife of Mr. Wm. Waller, of Gray's-inn, London.

YOUNGE—On Sept. 28, at her residence, Champion-grove, Camberwell, Eliza, relict of Edward Younge, Esq., Barrister-at-law, late Clerk of Inrolments in Chancery, and youngest daughter of the late Rev. James Collins, D.C.L., formerly curate of Northiam, Sussex, and rector of Abbot's Thorpe, Norfolk, aged 45.

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

AUSTEN, GEORGE LENNARD, Esq., Seven Oaks, Kent, £2159 : 4 : 10, £1859 : 4 : 10, and £1000 Consols.—Claimed by WILLIAM FRANCIS HOLCROFT, his surviving executor.

BOSCAWEN, Hon. and Rev. JOHN EVELYN, Wotton, Surrey, £3000 Consols.—Claimed by Right Hon. EVELYN Viscount FALMOUTH, acting executor of the said Hon. and Rev. JOHN EVELYN BOSCAWEN.

BROWN, JOHN, Farmer, North Fawley, Berkshire, £1350 Consols.—Claimed by GEORGE STONE, his surviving executor.

BUDD, SUSANNAH, Widow, Guildford, Surrey, £1400 New 3½ per Cents.—Claimed by ABEL JENKINS, one of her executors.

CARWARDINE, BENJAMIN, Gent., Cornhill, £109 : 7 ; 8 New 3 per Cents.—Claimed by BENJAMIN CARWARDINE.

EWART, JOHN MANSHIP, Esq., Brantridge, Cuckfield, Sussex, and CHARLES BETHUNE EWART, Esq., Beeches, Slaugham, Sussex, £3151 : 11 : 7 Consols.—Claimed by JOHN MANSHIP EWART.

HOOD, RICHARD, Stationer, Bartholomew-close, £1630 New 3½ per Cents.—Claimed by RICHARD HOOD.

MORLAND, Sir FRANCIS BERNARD, Bart., Alsop-terrace, Regent's-park; EDWARD BARRON, Solicitor, Essex-street, Strand; and MOSES ASHER GOLDSMID, Esq., Basinghall-street, £543 : 9 : 6 Consols.—Claimed by Sir FRANCIS BERNARD MORLAND and MOSES ASHER GOLDSMID, the survivors.

PESHALL, Rev. SAMUEL D'OYLEY, Clerk, Oddberrow, Worcestershire, £1633 : 6 : 8 Consols.—Claimed by Rev. SAMUEL D'OYLEY PESHALL.

POLLOK, Sir ROBERT CRAWFURD, Bart., Upper Pollok, co. Renfrew, £9659 : 14 : 9 New 3½ per Cents.—Claimed by ROBERT GRANT, the administrator (with will annexed) de bonis non of the said Sir ROBERT CRAWFURD POLLOK.

POWLETT, ELIZABETH, Widow, Shinfield-place, Berkshire, £7058 : 16 : 6 New 3½ per Cents.—Claimed by Rev. HENRY JOHN HASTED, and HENRY JAMES OAKES, surviving executors of the Rev. HENRY HASTED, who was the surviving executor of the said ELIZABETH POWLETT.

RIGBY, MARY, Spinster, Manchester, £3000 Consols.—Claimed by OSWALD MILNE, one of her executors.

TAYLOR, WILLIAM, Gent., Stokesley, Yorkshire, £1147 : 8 : 11 New 3½ per Cents.—Claimed by ANN SWINEHATT, Spinster, his sole executrix.

Heirs at Law and Next of Kin.

Advertised for in the London Gazette *and elsewhere during the Week.*

POOL, CATHERINE, who died on July 29, 1853, aged about 85 years, born in St. Marylebone about 1768. Her heirs at law to address Mons. Pochet, 395 Cours de Rive, Genève, Suisse.

TASKER, EDWARD (who died at Riga in 1858). His next of kin to communicate with the Solicitor of the Treasury, Whitehall.

Money Market.

CITY.—FRIDAY EVENING.

The market on the Stock Exchange has been rather flat to-day, and prices have closed a shade lower than yesterday; but there has been steady improvement throughout the month of September, resulting in an advance in the price of Consols of about 1¼ per cent. The closing price of Consols this afternoon for money is 98¼ to 98⅜ per cent. There were transactions yesterday at 98½ per cent., being the highest of the present year. Gold continues to flow in. The Bank bullion has experienced an increase in the month, of about one million and a-half. From the Bank of England return for the week ending the 29th September, it appears that the amount of notes in circulation is £20,497,765, being an increase of £481,810, and the stock of bullion in both departments is £19,290,479, showing an increase of £156,414, when compared with the previous return. The directors of the Bank have not made any alteration in their rate for discounting bills, and money is said to be

rather more in request. Some increased demand arises from the near approach of the 4th of the month, and the payment of the dividends at the Bank for the October quarter.

The Revenue returns for the quarter and the year ending the 30th September, are very satisfactory. The produce of 1858 is, of course, much less than 1857; but, whereas the decrease by remission of property-tax is nearly £8,000,000, the decrease of the total produce of the year is only about £6,000,000, there being a large amount of increase under various heads, particularly that of Customs.

From statements published during the present week, it appears not only that the disputes between the North Western Railway Company on one side, and the Great Northern and the Manchester, Sheffield, and Lincolnshire Companies on the other, are not arranged, but that the parties cannot even agree upon any mode by which their differences may be settled. A proposition is understood to have been made by one side, that all questions of every sort between the parties should be referred to arbitration. This proposition was declined by the other side, and a proposal was made that certain questions of rates and fares only should be referred to arbitration. This was declined, and Mr. Ross, the secretary of the Manchester and Sheffield Company, states, that the public would be misled if induced to believe that unconditional arbitration was to be adopted, or that there are only two questions in dispute between the parties; and proceeds to mention a numerous list of disputed claims which remain to be settled, involving imputations of very serious character against the opponents of this company.

Proposals for a very large extension of docks at Liverpool are under consideration. Mr. Rankin, the chairman of the finance committee of the Liverpool Dock Board, has entered into a statement of the financial position of the trust, for the purpose of showing that the board are quite warranted in seeking to borrow £600,000, for the purpose of dock improvement and extension; and a further sum of £250,000 for the erection of warehouses and sheds if required.

Insurance Companies.

Equity and Law	6
English and Scottish Law Life	4
Law Fire	4
Law Life	63½
Law Reversionary Interest	19
Law Union	par
Legal and General Life	4½
London and Provincial Law	2½
Solicitors' and General	par

Railway Stock.

Railways.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Birk. Lan. & Ch. Junc.	..	..	..	..	..	..
Bristol and Exeter	..	91½	91½	91½	92 1	92½
Caledonian	86¼ x d	86¾	87¼	88¼	88¼ 7½	89 ¾
Chester and Holyhead	..	34½	..	35	36	..
East Anglian	..	..	..	17½	17½	..
Eastern Counties	61¾	61¾	62¼	62¼ 3½	63½ 2½	63 ½
Eastern Union A. Stock	..	..	..	..	..	..
Ditto B. Stock	..	..	..	..	..	..
East Lancashire	..	91	..	..	..	..
Edinburgh and Glasgow	..	..	..	65	..	67
Edin. Perth, and Dundee	..	26½	..	27½	..	28 7½
Glasgow & South-Westn.	90¼ x d	..	..	..	..	..
Great Northern	102¼	102	103 ¼	104¼ 3½	104¾ ¼	104¼
Ditto A. Stock	83	..	..	84	85	..
Ditto B. Stock	..	..	..	128 7	..	128
Gt. South & West. (Ire.)	..	..	..	..	103½	103½
Great Western	50¾	50¾	..	52 3½	53¾ ¼ 4	54¼ ¼
Do. Stour Vly. G. Stk.	..	..	..	..	..	..
Lancashire & Yorkshire	95	94¾ 5	95¼	96¼	96¼	96¼
Lon. Brighton & S. Coast	110	109¾	109 ¼	110¼	110¾	110¾
London & North-Wstrn.	90¼	90¼ 89¾	91¼	91¼	91¾	92¼ 4
London & South-Westrn.	..	94 5	95	96 ¼ 5	96¼ 5	95¾ 6
Man. Sheff. & Lincoln.	34¾ 5	34¾	35¼	36 ¼	35¾ 6	35¾
Midland	97	97 ¼	97¾ 8	98¼ ¼	98¼ ¼	98¼
Ditto Birm. & Derby	..	..	..	..	..	..
Norfolk	..	..	..	63¾	64¾	64
North British	..	56¼	56¾	57¼ 5½	56¾ 7½	58¼
North-Eastern (Brwck.)	93¼ 4	94 2½	95¼	96¼ ¼	95¾	95¾
Ditto Leeds	47	47	..	49 ¼	49	49¾
Ditto York	74¾ 5½	75¼ 6	..	77¼ ¼	77¼ ¼	77¼
North London	..	..	..	101¼	..	..
Oxford, Worc. & Wolver.	..	27¼	..	..	30	..
Scottish Central	..	..	..	..	..	110½
Scot. N.E. Aberdeen Stk.	..	..	..	..	..	28
Do. Scottish. Mid. Stk.	..	..	..	..	..	..
Shropshire Union	..	..	..	..	..	44 5
South Devon	..	34½	..	..	..	..
South-Eastern	72¾ x d	73¾	73¾ 3	73¾ ¼	73¼	73½
South Wales	..	..	..	..	77¾ ½	..
Vale of Neath	..	..	..	92¾	92	91

English Funds.

English Funds.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Bank Stock	..	..	..	..	..	..
3 per Cent. Red. Ann.	..	..	..	..	..	..
3 per Cent. Cons. Ann.	97½ ¼	97½ ¾ ½	97½ 8 ¼	98 8 ¼	98¼ ¾ ½	98 ¼ ¼
New 3 per Cent. Ann.	..	..	..	..	..	..
New 2½ per Cent. Ann.	..	..	82 1½	..	81½	82¼ ¼
Long Ann. (exp. Jan. 5, 1860)	..	..	..	..	..	..
Do. 30 years (exp. Jan. 5, 1860)	..	..	..	..	..	..
Do. 30 years (exp. Jan. 5, 1880)	..	..	..	..	..	..
Do. 30 years (exp. Apr. 5, 1885)	..	..	..	..	..	..
India Stock	217½	..	216 18½	219 18	..	220
India Loan Debentures	..	..	99½ ¾	..	98¾ ¾	99¾
India Scrip, Second Issue	98¾ 9	98¾ 9½	99¾	99¾ ¼	99¾	99¾ ¼
India Bonds (£1,000)	..	13s p	14s p	..	13s p	16s p
Do. (under £500)	..	..	13s p	..	16s p	..
Exch. Bills (£1000) Mar.	34s p	34s p	35s p	35s28s p	..	38s35s p
Ditto June	24s p	24s p	..	..	..	28s25s p
Exch. Bills (£500) Mar.	..	34s p	..	38s p	..	..
Ditto June	27s p	..	..	..	..	..
Exch. Bills (Small) Mar.	..	..	35s p	38s p	38s p	..
Ditto June	..	..	28s25s p	25s28s p	..	28s p
Do. (Advertised) Mar.	..	..	..	..	..	..
Ditto June	..	..	..	..	..	..
Exch. Bonds, 1858, 3½ per Cent.	..	..	..	..	..	..
Exch. Bonds, 1859, 3½ per Cent.	..	..	..	100½ ¾	100½	..

Estate Exchange Report.

(For the week ending September 30, 1858.)

At the Mart.—By Messrs. Norton, Hoggart, & Trist.

Freehold Estate, Stone, near Tenterden, Kent, comprising a farm-house, outbuildings, &c., and 113a. 0r. 23p. land; let at £191 : 1 : 9 per annum.—Sold for £4800.

Freehold, part of Walland Marsh, Midley and Ivychurch, Kent, 191a. 3r. 1p., with cottage and buildings thereon; let at £430 per annum.—Sold for £13,200.

Freehold Farm, "Cheyne Court," Midley, Kent, comprising 161a. 2r. 21p., with cottages thereon; let at £320 per annum.—Sold for £12,350.

Freehold, "The Cherry Garden," Woodchurch, Kent, comprising residence, buildings, enclosures of arable, pasture, and hop land, in all 30a. 2r. 32p.; let at £40 per annum.—Sold for £990.

Freehold Woodland, Woodchurch, about 66a. 3r.—Sold for £1100.

By Messrs. Roberts & Rory.

Leasehold Residence, No. 23, Ponsonby-place, Vauxhall-bridge-road; term, 72 years from Midsummer, 1852; ground-rent, £5 : 5 : 0; let at £34 per annum.—Sold for £305.

Freehold Residence, Warehouses, &c., No. 127a, St. John-street, Smithfield.—Sold for £1170.

By Mr. Furber.

Thirty-three Copyhold Dwellings in Albion-place, Fox's-lane, Morning-lane, Buck's-buildings, together with the vacant ground in Buck's-square, and a plot of building ground in Albion-road, Hackney, producing £266 per annum.—Sold for £3540.

Freehold Residence, No. 9, Upper Brunswick-terrace, Barnsbury-road, worth £40 per annum.—Sold for £550.

Messrs. Bond & Son.

Leaseholds, Nos. 4 & 5, Holme-cottages, Shepherd's Bush; let at £33 : 16 : 0; term, £73 years at £8.—Sold for £140.

By Messrs. Bromley & Son.

Freehold, Livery Stables and Dwelling House, No. 1, Lincoln-street, Mile-end; let on lease at £65 per annum.—Sold for £1140.

Freehold House and Shop, No. 5, Lincoln-street; let at £26 per annum.—Sold for £300.

Freehold House, Shop, and Premises, No. 9, Ireland-row, Mile-end-road; let at £60 per annum.—Sold for £1300.

Leasehold, Nos. 3, 4, 5, 6, & 7, Frederick-place, Mile-end; term, 44 years from Michaelmas, 1856; ground-rent, £10; let at £135.—Sold for £930.

Eight £10 Shares (all paid up) in Tower Hamlets Cemetery, Mile-end.—Sold at £16 per share.

One £25 Share, Two-fifths of a Share, and One-tenth of a Share in the Commercial Gas Light Company.—Sold for £44 : 10 : 0.

Leasehold Residences, Nos. 17 & 18, Coborn-road, Mile-end; term, 89½ years from Christmas, 1827; ground-rent, £3; let at £52 per annum.—Sold for £375.

Freehold Residence, No. 66, Lincoln-st.; annual value, £22.—Sold for £295.
" " No. 75, " £34. " £470.

Freehold Stable, Lincoln-street, lately let at £10 per annum.—Sold for £130.

Freehold House and Shop, No. 1, Wilbey-terrace, Mile-end; let at £52 per annum.—Sold for £950.

Freehold House and Shop, No. 2, Wilbey-terrace; let at £55 per annum.—Sold for £990.

Freehold House and Shop, No. 3, Wilbey-terrace; let at £55 per annum.—Sold for £950.

Freehold House and Shop, No. 4, Wilbey-terrace; let at £50 per annum.—Sold for £940.

Freehold House and Shop, No. 5, Wilbey-terrace; let at £50 per annum.—Sold for £930.

Freehold House and Shop, No. 6, Wilbey-terrace; let at £50 per annum.—Sold for £950.

By Mr. Caisey, of Croydon.

Leasehold Houses, Nos. 14 to 21, both inclusive, Fendall-street, Bermondsey; term, 10 years; ground-rent, £30; let at £176 : 16 : 0.—Sold for £370.

Freehold Plots of Building Land, Gloucester-place, Gloucester-road, Croydon.—Sold for £17.

By Messrs. Edwin Fox & Bousfield.

Reversionary Interest, One Undivided Fifteenth Part or Share of Copyhold Estates, at Collingham & Besthorpe, Nottingham, producing about £352 per annum; subject to certain incumbrances expectant on the decease of a lady born 8th May, 1793.—Sold for £355.

A Similar Undivided Fifteenth Reversionary Share.—Sold for £345.

By Mr. John M. Dean.

Freehold Houses, Nos. 2 & 3, Grove-terrace, West Ham; let at £32 per annum.—Sold for £390.

At the Victoria Tavern, Barking-road, on Sept. 28.—Twenty-three Plots of Building Ground, Forty Acre-lane, Plaistow.—Sold at from £15 to £24 per plot; or an average of £16 : 10 per lot.

At Garraway's.—By Messrs. Glasier & Son.

Two Dwellings, with workshops, &c., and the Crown Public-house, Belvidere-cottages, Belvidere-road, Lambeth; let on lease at £176 : 13 : 0; term, 26 years at £107 : 13 : 0.—Sold for £450.

Leaseholds, Nos. 13, 14, & 15, Crozier-street, Lambeth, producing £65 : 10 : 0; term, 66 years, at £22 : 5 : 6.—Sold for £460.

By Messrs. Haines & Son.

Leasehold, The Old Whitmore's Head, Whitmore-place, Hoxton; term, 16 years at £60.—Sold for £2010.

By Mr. J. Hind.

No. 3, New Rutland-street, Commercial-road East; worth £25; term, 49 years at £2 : 10 : 0.—Sold for £205.

Freehold Cottage in Tavern-court, Brunswick-road, Poplar; let at £13 per annum.—Sold for £85.

By Messrs. Blake.

Plot of Freehold Land, 1r. 36p., near the station at Beddington, Surrey.—Sold for £150.

Freehold Cottage adjoining the preceding; let at £11.—Sold for £190.

Another Freehold Cottage adjoining; let at £11.—Sold for £235.

Five Plots of Building Land (Freehold), near the Plough-inn, Beddington.—Sold in Lots for £580.

London Gazettes.

Bankrupts.

Tuesday, *Sept.* 28, 1858.

Biles, Thomas Godsell, Linen Draper, Cleveland-pl., Walcot, Bath. *Com.* Hill: Oct. 8 and Nov. 8, at 11; Bristol. *Off. Ass.* Acraman. *Sol.* Gibbs, Bath. *Pet.* Sept. 24.

Garton, Charles, Common Brewer, Lawrence-hill Brewery, Bristol. *Com.* Hill: Oct. 8 and Nov. 8, at 11; Bristol. *Off. Ass.* Miller. *Sol.* Harris, Bristol. *Pet.* Sept. 24.

Hamlen, Richard Henry, Tanner, Cardiff. *Com.* Hill: Oct. 8 and Nov. 8, at 11; Bristol. *Off. Ass.* Acraman. *Sols.* Bird, Cardiff; or Bevan & Girling, Bristol. *Pet.* Sept. 23.

Lawson, William, Surgeon, 28a Howland-st., Fitzroy-sq. *Com.* Holroyd: Oct. 13, at 2.30; and Nov. 16, at 12; Basinghall-st. *Off. Ass.* Edwards. *Sols.* Linklaters & Hackwood, 7 Walbrook. *Pet.* Sept. 27.

Smith, William, Gas Meter Manufacturer, Greyhound-yd., Smithfield. *Com.* Evans: Oct. 7 and Nov. 11, at 12; Basinghall-st. *Off. Ass.* Bell. *Sol.* Skilbeck, 19 Southampton-bldgs. *Pet.* Sept. 17.

Friday, *Oct.* 1, 1858.

Darby, William, Travelling Comedian, trading as Pablo Farrque, Harrogate, York, Bradford, and other places. *Com.* Ayrton: Oct. 12, at 11; and Nov. 9, at 1; Commercial-bldgs., Leeds. *Off. Ass.* Hope. *Sols.* Westmorland, Wakefield; or Carlss & Cudworth, Leeds. *Pet.* Sept. 22.

Dawson, George, Gun Maker, Grantham. *Com.* Balguy: Oct. 12 and Nov. 11, at 10.30; Shire-hall, Nottingham. *Off. Ass.* Harris. *Sols.* Law, Stamford; or Hodgson & Allen, Birmingham. *Pet.* Sept. 30.

Doncaster, William, Statuary Mason & Builder, Love-lane, Wandsworth. *Com.* Evans: Oct. 11, at 2; and Nov. 11, at 1; Basinghall-st. *Off. Ass.* Bell. *Sol.* Ablett, Newcastle-st., Strand. *Pet.* Sept. 30.

Edwards, John, Linen Draper, 17 Margaret's-bldgs., Bath. *Com.* Hill: Oct. 11 and Nov. 9, at 11; Bristol. *Off. Ass.* Miller. *Sols.* Slack, Bath; or Abbot, Lucas, & Leonard, Bristol. *Pet.* Sept. 25.

Ellis, Thomas, Brick Maker, Tymawr, near Pontypridd, Glamorganshire. *Com.* Hill: Oct. 11 and Nov. 15, at 11; Bristol. *Off. Ass.* Acraman. *Sols.* Gething, Newport; or Bevan & Girling, Small-st., Bristol. *Pet.* Sept. 20.

Elworthy, John, Dealer in Coal, Crediton, Devon. Oct. 12 and Nov. 3, at 1; Queen-st., Exeter. *Off. Ass.* Hirtzel. *Sols.* Lovibond, Bridgwater; or Stogdon, Exeter. *Pet.* Sept. 16.

Jukes, Richard, Iron Master, Liversedge Iron Works, Yorkshire. *Com.* Ayrton: Oct. 12, at 11; and Nov. 9, at 12; Commercial-bldgs., Leeds. *Off. Ass.* Hope. *Sol.* Unwin, Sheffield. *Pet.* Sept. 28.

Moyle, George, William Hunter, & Alexander Hunter, Glove Manufacturers, Nottingham. *Com.* Balguy: Oct. 19 and Nov. 11, at 10.30; Shire-hall, Nottingham. *Off. Ass.* Harris. *Sol.* Shilton, Nottingham. *Pet.* Sept. 28.

Widdowson, David, Lace Manufacturer, Chancer-st., Nottingham. *Pet.* July 24.——Henry Frearson Clarke, Lace Manufacturer, Nottingham. *Pet.* Sept. 15. The said David Widdowson & Henry Frearson Clarke trading in partnership as Lace Manufacturers (Widdowson & Clarke). By order of Sept. 28 the two petitions were united. *Com.* Balguy: Nov. 11, at 10; Nottingham. *Off. Ass.* Harris. *Sols.* Wells; or Cann, Nottingham.

Wilson, Samuel Sewell, Builder, 28 Burton-st., Eaton-sq. *Com.* Evans: Oct. 11, at 1.30; and Nov. 11, at 2; Basinghall-st. *Off. Ass.* Johnson. *Sols.* Venning, Naylor, & Co., Tokenhouse-yard. *Pet.* Sept. 30.

BANKRUPTCY ANNULLED.

Friday, Oct. 1, 1858.

Addey, Henry Markinfield, Bookseller & Publisher, 17 Henrietta-st., Covent-garden, and No. 29 Gloucester-ter., Hyde-park. June 3, 1857.

MEETINGS.

Tuesday, *Sept.* 28, 1858.

Barnes, William Henry, Builder, Hawthorn-st., King's-rd., Balls Pond, and 1 Spencer-ter., Spencer-rd., Stoke Newington. *Prf. Debts*, Oct. 11, at 1.30, instead of Oct. 17, as advertised in last Friday's Gazette; Basinghall-st. *Com.* Evans.

Beaven, James, & Henry Beaven, Builders, Bedminster, Bristol. *Div.* Oct. 21, at 11; Bristol. *Com.* Hill.

Bayce, David, Bookseller, Amen-corner, Paternoster-row. *Div.* Oct. 21 at 12.30; Basinghall-st. *Com.* Fane.

Campling, William, & Samuel Browne, Shoe Manufacturers, Norwich. *Div.* Oct. 21, at 1; Basinghall-st. *Com.* Evans.

Churchman, Charles, Agricultural Implement Factor, Hertford. *Div.* Oct. 21, at 1; Basinghall-st. *Com.* Fane.

Critchell, Alfred, Cabinet Maker, 1 Upper Dorset-pl., Clapham-rd. *Last Ex.* Oct. 8, at 11.30; Basinghall-st. *Com.* Fane.

Davies, Thomas, Butcher, Abergavenny. *Div.* Oct. 21, at 11; Bristol. *Com.* Hill.

Dixon, Edward, Oil & Colourman, Gravesend. Creditors are requested to meet on Oct. 20, at 2, at the Court of Bankruptcy, Basinghall-st., to decide upon accepting or refusing an offer of composition.

Gombert, Charles, Milliner, 30 Duke-st., Manchester-sq. *Last Ex.* (*by adj.* from July 21) Oct. 9, at 1; Basinghall-st. *Com.* Fonblanque.

Gordon, Alice, Shipowner, Sunderland. *First & Final Div.* Oct. 19, at 11.30; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison.

Gray, Alexander George, Alkali Manufacturer, Friars Goose Alkali Works, Gateshead, Durham. *First Div.* Oct. 20, at 11; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison.

Greatorex, William, & John Greatorex, Boot & Shoe Manufacturers Leicester. *Aud. Accts. & Div.* Oct. 26, at 10.30; Shire-hall, Nottingham. *Com.* Balguy.

Griffiths, Samuel, Wholesale Druggist, Wolverhampton (S. Griffiths & Co.) *Further Div.* Oct. 20, at 10; Birmingham. *Com.* Balguy.

M'Naught, Robert, Linendraper, Bushey-heath, Herts. *Div.* Oct. 21, at 1; Basinghall-st. *Com.* Fane.

Morley, John, Joiner, Nottingham and Sneinton. *Aud. Accts. & Div.* Oct. 19, at 10.30; Shire-hall, Nottingham. *Com.* Balguy.

Shingler, Edward, Boot & Shoe Maker, Birmingham. *Div.* Oct. 27, at 10.30; Birmingham. *Com.* Balguy.

Smith, Richard, Butcher, Salehurst, near Hurst-green; and of Sedlescomb, near Battle. *Div.* Oct. 21, at 12.30; Basinghall-st. *Com.* Fane.

Smith, Sian, Inn Keeper, Radcliffe Bridge, Lancashire. *Div.* Oct. 20, at 12; Manchester. *Com.* Jemmett.

Smith, Tilden, James Hilder, George Scrivens, & Francis Smith, Bankers, Hastings. *Div.* joint est.; and *Final Div.* sep. est. of G. Scrivens, Oct. 21, at 12; Basinghall-st. *Com.* Fane.

Williams, Henry, Umbrella & Parasol Manufacturer, 44 Ludgate-hill. *Div.* Oct. 21, at 12.30; Basinghall-st. *Com.* Fane.

Friday, *Oct.* 1, 1858.

Ayton, Charles, Builder, Attleborough, Norfolk. *Last Ex.* Oct. 22, at 2; Basinghall-st. *Com.* Holroyd.

Beard, James, & Edward Thomas, Common Brewers, Cardiff, Glamorganshire; and Bideford, Devon. *Div.* Oct. 28, at 11; Bristol. *Com.* Hill.

Betts, John, Grocer, 16 West-st., St. Philip and Jacob, Bristol. *Further Div.* Oct. 28, at 11; Bristol. *Com.* Hill.

Boldero, Charles, Edward Gale Boldero, Sir Henry Lushington, & Henry Boldero, Bankers, Cornhill. *Div.* joint est. Oct. 22, at 12.30; Basinghall-st. *Com.* Fonblanque.

Boor, Leonard George, Surgeon, 132 St. George-st., St. George-in-the-East. *Div.* Oct. 22, at 1.30; Basinghall-st. *Com.* Fonblanque.

Coupee, Archibald Arthur, East India & Commission Merchant, Winchester-house, Old Broad-st. *Last Ex.* Oct. 12, at 1.30; Basinghall-st. *Com.* Fonblanque.

Cunliffe, Robert, Henry Cunliffe, John Cunliffe, & Abel Cunliffe (Robert Cunliffe & Sons), Woollen Manufacturers, Todd Carr Mill, near Newchurch, Rossendale, Lancashire. *Div.* Oct. 26, at 12; Manchester. *Com.* Jemmett.

Duncan, William, & Thomas Hamper, Hop Merchants, 31 Tooley-st., Southwark. *Div.* joint est. Oct. 22, at 1.30; Basinghall-st. *Com.* Fonblanque.

Harding, William, Builder, Lewisham & Margate. *Div.* (*by adjst.* from Aug. 6) Oct. 22, at 11; Basinghall-st. *Com.* Fane.

Hatton, Richard, Stationer, 35 Brudenell-pl., New North-rd., Hoxton. *Div.* Oct. 22, at 11; Basinghall-st. *Com.* Fonblanque.

Hill, David, Cattle Dealer, Edenhall, Cumberland. *Final Div.* Oct. 26, at 12; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison.

Morrison, Thomas, Coal Merchant, Rhyl, Flintshire. *Div.* Oct. 25, at 11; Liverpool. *Com.* Perry.

Page, Robert, Coal Owner, Forest of Dean, Gloucestershire, and of Dover, Kent, Grocer. *Div.* Oct. 22, at 2; Basinghall-st. *Com.* Fonblanque.

Penny, William, Brewer, Newport, Monmouth. *Div.* Oct. 28, at 11; Bristol. *Com.* Hill.

Peschmann, Bernhard Theodor, Merchant, Liverpool. *Div.* Oct. 25, at 11; Liverpool. *Com.* Perry.

Ross, Michael, Boot & Shoe Manufacturer, Manchester. *Div.* Oct. 27, at 12; Manchester. *Com.* Jemmett.

Sabel, Ephraim (Sabel & Co.), Merchant, 80 Coleman-st. *Div.* Oct. 23, at 11; Basinghall-st. *Com.* Evans.

Soppet, James Gray, Miller, North Shields. *Div.* Oct. 22, at 11; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison.

Steward, Charles Henry, Corn, Flour, Hay, & Straw Merchant, 73 Tothill-st., Westminster. *Div.* Oct. 22, at 11.30; Basinghall-st. *Com.* Fonblanque.

Strong, Richard John, Hotel Keeper, Frome, Somersetshire. *Div.* Nov 4, at 11; Bristol. *Com.* Hill.

Taylor, Thomas Downs, Oilman, 38 Brook-st., Holborn. *Final Div.* Oct. 25, at 11.30; Basinghall-st. *Com.* Fonblanque.

Whitmore, Edward, John Wells, John Wells, jun., & Frederick Whitmore (Whitmore, Wells, & Whitmore), Bankers, Lombard-st. *Div.* joint est. Oct. 22, at 12; Basinghall-st. *Com.* Fonblanque.

Wills, James Alexander, Saddler, Birmingham. *Div.* Nov. 12, at 11.30 Birmingham. *Com.* Balguy.

DIVIDENDS.

TUESDAY, *Sept.* 28, 1858.

GREEN, JOHN, & WILLIAM BAKER, Stay Manufacturers, 79 Newgate-st. First, 2s. 10d. *Nicholson*, 24 Basinghall-st.; any Tuesday, 11 to 2.

BISHOP, EDWIN, & EDWARD SHEPPARD GISSING, Wholesale Stationers, 76 Cannon-st. West. Second, 1s. 8d. *Nicholson*, 24 Basinghall-st.; any Tuesday, 11 to 2.

CULLEMORE, WILLIAM, Draper, 1 Upper Seymour-st., Euston-sq. First, 6½d. *Nicholson*, 24 Basinghall-st.; any Tuesday, 11 to 2.

DICKINSON, JOHN GLADWIN, Draper, 30 Robertson-st., Hastings. First, 4s. 9½d. *Nicholson*, 24 Basinghall-st.; any Tuesday, 11 to 2.

HAWLEY, THOMAS, Grocer, 221 Blackfriars-rd. Second, 6d. *Nicholson*, 24 Basinghall-st.; any Tuesday, 11 to 2.

HUNT, THOMAS WILMOT, Grocer, 28 High-st., Whitechapel. First, 3s. *Nicholson*, 24 Basinghall-st.; any Tuesday, 11 to 2.

HYDER, FREDERICK THOMAS, Grocer, Bayswater. First, 1s. 9½d. *Nicholson*, 24 Basinghall-st.; any Tuesday, 11 to 2.

LAKE, WILLIAM, Tailor, Banbury. First, 4s. 3d. *Nicholson*, 24 Basinghall-st.; any Tuesday, 11 to 2.

PAVITT, WILLIAM, & DANIEL PAVITT, Millers, 30 Alfred-st., Bow-rd. First, 19s. sep. est. W. Pavitt, and First, 20s. sep. est. D. Pavitt. *Nicholson*, 24 Basinghall-st.; any Tuesday, 11 to 2.

SCOTT, GEORGE, Wharfinger & Coal Merchant, New-wharf, Uxbridge. First, 2s. *Nicholson*, 24 Basinghall-st.; any Tuesday, 11 to 2.

WHEELER, THOMAS, Millwright, Albion-works, Oxford. First, 4s. 1d. *Nicholson*, 24 Basinghall-st.; any Tuesday, 11 to 2.

CERTIFICATES.

To be ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting.*

TUESDAY, *Sept.* 28, 1858.

GILBEY, ARTHUR, Grocer, 63 Charlotte-ter., New Cut, Lambeth. Oct. 20, at 12; Basinghall-st.

HILLS, JONATHAN, & ROBERT HILLS, Bankers, High-st., Gravesend, and High-st., Dartford. Oct. 19, at 12; Basinghall-st.

MACHIN, THOMAS, Contractor & Builder, Peterborough. Oct. 20, at 12.30; Basinghall-st.

LAIDLAW, ALEXANDER WENTWORTH, Dealer in Cigars & Manganese Ore, 3 Bury-court, St. Mary-axe. Oct 19, at 1.30; Basinghall-st.

PRESTON, JOHN, Watchmaker, Spalding, Lincolnshire. Oct. 21, at 1; Basinghall-st.

SCHEURMAN, GUSTAV, Music Seller, 86 Newgate-st. Oct. 21, at 12; Basinghall-st.

HUMPHREYS, JOHN, Brewer, Tetley, Hindley, Lancashire. Oct. 19, at 12; Manchester.

WALTON, CHARLES, & WILLIAM WALTON, Ship & Insurance Brokers, late of 17 Gracechurch-st., now of 4 Clement's-lane. Oct. 20, at 1; Basinghall-st.; on applon. of each.

FRIDAY, *Oct.* 1, 1858.

ANDREWS, ARCHIBALD COOPER, Tea Dealer, 57 Tottenham-court-road, and 32 Broad-st., Bloomsbury. Oct. 22, at 12; Basinghall-st.

ARMSTRONG, JOHN, Earthenware Manufacturer, South Shields. Oct. 26, at 11; Royal-arcade, Newcastle-upon-Tyne.

BRADBURY, HENRY, Butcher, Tunstall, Stafford. Oct. 29, at 10; Birmingham.

BRAGG, JAMES, Timber Merchant, Devonshire-villas, Lower-road, Rotherhithe. Oct. 22, at 11; Basinghall-st.

CARTER, CHARLES, Sack & Coal Merchant, 30 Terrace, Tower-hill. Oct. 23, at 11; Basinghall-st.

CHAMBERS, CHARLES, jun., Boarding-school Keeper, Enfield. Oct. 22, at 1; Basinghall-st.

CHRISTMAS, CHARLES, Provision Merchant, 5 Farringdon-st. Oct. 25, at 12.30; Basinghall-st.

COX, JOSEPH, Berlin Wool Dealer, 13 William-st., Camden-rd., Holloway; and 16 Park-ter., Regent's-park. Oct. 22, at 12; Basinghall-st.

EASTHAM, JAMES, & JOSEPH ELLIOTT LAWLEDGE, Calico Printers, 3 Little Carter-lane, London; and Phipps-bridge, Mitcham, Surrey; on applon. of J. Eastham. Oct. 22, at 11.30; Basinghall-st.

FARMAR, ROBERT ADOLPH, Chemist & Druggist, 40 Mount-st., Lambeth. Oct. 23, at 12; Basinghall-st.

GREENFIELD, JAMES HUME, sometimes known as HUME GREENFIELD (Harwich Steam Packet Co.), Ship Owner, 21 High-st., Hampstead. Oct. 23, at 11.30; Basinghall-st.

HARRISON, JOSEPH MARTINDALE, Warehouseman, 15 Watling-st. Oct. 23, at 11; Basinghall-st.

HUGHES, JOHN, & THOMAS DYNE STEEL (Oak Side Iron Co.), Engineers, Newport, Monmouthshire; on applon. of T. D. Steel. Oct. 25, at 11; Bristol.

KNAPP, ALFRED, & ENOCH DAVIES, Builders, Newport, Monmouthshire. Oct. 25, at 11; Bristol; on applon. of A. Knapp.

ROGERS, JOHN, Ship Broker, Newport, Monmouthshire (J. Rogers & Co.). Oct. 25, at 11.

SMALL, JOHN, Innkeeper, Pangbourne, Berks. Oct. 23, at 12; Basinghall-st.

WAND, EDWARD TRUSTRAM, Licensed Victualler, Swan with Two Necks, Finchley. Oct. 22, at 12; Basinghall-st.

To be DELIVERED, *unless* APPEAL *be duly entered.*

TUESDAY, *Sept.* 28, 1858.

BENNETT, JOSEPH, Contractor for Public Works, Bridge-row-wharf, Pimlico. Sept. 21, 2nd class.

BROWN, JAMES, Inn-keeper, Whaley Bridge, & Buxton, Derbyshire. Sept. 21, 3rd class, after a suspension of 6 mos.

BUTLER, EDWARD, Tailor, 21 Clifford-st., Bond-st. Sept. 25, 2nd class.

CAMPLING, WILLIAM, & SAMUEL BROWNE, Shoe Manufacturers, Norwich. Sept. 20, 2nd class.

CHANTRES, JAMES, Seedsman, 74 King-William-st., & Hanger-lane, Tottenham. Sept. 21, 2nd class.

CUMBERLAND, ROBERT, Fancy Goods Manufacturer, 31 Addle-st., Wood-st. Sept. 20, 2nd class.

PAINE, HENRY, Tailor, 234 Strand. Sept. 20, 3rd class.

RADCLIFFE, JOSEPH, Wine & Beer Merchant, Liverpool. Sept. 18, 2nd class, subject to a suspension for 6 mos.

RIGBY, RICHARD, Licensed Victualler, Liverpool. Sept. 20, 3rd class.

SPARK, ALFRED, Manufacturing Jeweller, late of Hunter-st., Brunswick-sq., now of Rathbone-pl. Sept. 21, 2nd class.

WAY, JAMES, Grocer, 272 Oxford-st., & 68 Edgware-rd. Sept. 23, 2nd class.

FRIDAY, *Oct.* 1, 1858.

BACON, CHARLES, Bone Grinder, 69 Cowcill-st., Chorlton-upon-Medlock Manchester. Sept. 23, 3rd class, after a suspension of 3 mos.

LAWTON, ELIJAH, Cotton Waste Dealer, Manchester (Demeza & Co.) Sept. 24, 3rd class, after a suspension of 12 mos.

Professional Partnership Dissolved.

FRIDAY, *Oct.* 1, 1858.

PHILLIPS, CHARLES, & JAMES NEAL YORK, Attorneys & Solicitors, Newmarket and elsewhere, by mutual consent. Aug. 27.

Assignments for Benefit of Creditors.

TUESDAY, *Sept.* 28, 1858.

BERRY, GEORGE, Smith, Ewell, otherwise Temple Ewell, Kent. Sept. 14. *Trustee*, E. C. Simpson, Butcher, Buckland, Dover. Creditors to execute before Oct. 4. *Sol.* Watson, Dover.

KELLY, HENRY, Sack Maker, Betts-st., St. George's East, Middlesex. Sept. 10. *Trustee*, W. Kelly, Carman, 41 Back Church-lane, Whitechapel. Creditors to execute before Dec. 10. *Sols.* Newman & Hindley, 68 Cheapside.

KNIGHT, RICHARD, Lace Manufacturer, Nottingham. Sept. 1. *Trustee*, W. H. Morrison, H. Thorpe, and E. Wood, all of Nottingham, Lace Manufacturers. *Sol.* Shilton, St. Peter's-church-side, Nottingham.

PENMAN, HENRY, Ironmonger & Ship Owner, Norfolk-st., and High-st., Sunderland. Sept. 18. *Trustee*, W. Davies, Grocer, Sunderland. Creditors to execute before Mar. 18. *Sol.* Kidson, 66 John-st., Bishopwearmouth.

SLATER, HENRY, Upholsterer, 14 Francis-st., Tottenham-ct.-rd. Sept. 25. *Trustees*, J. Woodward, Corn Dealer, 6 Middle-row, Knightsbridge; W. Pring, Greengrocer, 6 Middle Queen's-bldgs., Knightsbridge. *Sol.* Wyatt, 11 King's-rd., Bedford-row.

WILSON, SAMUEL SEWELL, Builder, 28 Burton-st., Eaton-sq. Sept. 2. *Trustees*, T. Atherton, Timber Merchant, 3 Crooked-lane; W. Taylor, Warehouseman, 4 Winchester-st., Pimlico. *Sols.* Venning, Naylor, & Robins, 9 Tokenhouse-yd.

FRIDAY, *Oct.* 1, 1858.

CARRUTHERS, JEFFERAY, Druggist & Grocer, Scotch-st., Carlisle. Sept. 25. *Trustees*, J. Alcock, Commission Agent; T. Boyd, Druggist, both both of Carlisle. Creditors to execute before Dec. 25. *Sol.* Donald, 12 Castle-st., Carlisle.

GREGORY, WILLIAM HENRY, Straw Hat Manufacturer, Birmingham. Sept. 3. *Trustees*, F. Goodyear, Straw Hat Manufacturer, St. Paul's Churchyard; C. J. Leaf, Warehouseman, Old Change. *Sol.* Mardon, 99 Newgate-st.

HUMPHRYS, WILLIAM CHILTON, Coal Merchant, Winchester. Sept. 23. *Trustees*, A. A. Croll, Civil Engineer, Coleman-st., London; T. Bowman, Coal Merchant, Southampton. Creditors to execute before Nov. 23. *Sols.* R. & H. Symonds, Winchester.

LANE, THOMAS, General Dealer, Birmingham. Sept. 18. *Trustees*, J. G. Hinde, Brushmaker, Broad-st., Birmingham; T. Beckett, Japanner, Harford-st., Birmingham. *Sol.* Barber, 5 Union-st., Birmingham.

MABBOTT, WILLIAM THOMAS, Pearl Cutter, Sheffield, Sept. 28. *Trustees*, S. Meggitt, Bone Merchant, R. Richmond, Merchant, J. Murrell, Merchant, all of Sheffield. *Sols.* Smith & Hinde, 3 Bank-st., Sheffield.

MOXON, Rev. WILLIAM CHARLES, Clerk, South Ferriby, Lincolnshire. Sept. 10. *Trustees*, S. Watson, Surgeon, Cottingham, Yorkshire; R. L. Cox, Gent., Kingston-upon-Hull. *Sols.* Lightfoot, Earnshaw, & Franklin, Kingston-upon-Hull.

SHORT, THOMAS BAINES, Gasfitter, 22 Star-st., Edgware-rd. Sept. 7. *Trustee*, T. Foyle, 47 Harley-st., Cavendish-sq. *Sols.* Walker, Grant, & Martineau, 13 King's-rd., Gray's-inn.

WILLIAMS, DAVID, Builder, 76 Park-rd., Toxteth-pk., Liverpool. Sept. 6. *Trustees*, A. Gibson, Cement Manufacturer, Liverpool; R. Lightfoot, Timber Merchant, Liverpool. Creditors to execute before Dec. 8. Indenture lies with the said Adam Gibson.

Creditors under Estates in Chancery.

TUESDAY, *Sept.* 28, 1858.

ARTAULT, GEORGIANA ELIZABETH (widow of Jean Baptiste Benjamin Artault), late of Realmont, Département du Tarn, in France, who died in May, 1857. Re Artault, Price *v.* Moore, V. C. Kindersley. *Last Day for Proof*, Nov. 3.

Winding-up of Joint Stock Companies.

FRIDAY, *Oct.* 1, 1858.

UNLIMITED IN CHANCERY.

MIDLAND COAL & IRONSTONE MINING COMPANY.—A Petition for the dissolution and winding up of this Company was, on Sept. 28, presented to the Lord Chancellor, by Matthew Bells, Brixton, Omnibus Proprietor; which will be heard before V. C. Kindersley on Oct. 11, at 11.30, at the Angel-inn, Bury St. Edmunds; J. & J. H. Linklater & Hackwood, Solicitors for the Petitioners, 7 Walbrook.

Scotch Sequestrations.

TUESDAY, *Sept.* 28, 1858.

ALLANDYCE, WILLIAM, Merchant, Aberdeen, sole Partner of the Aberdeen Brick & Tile Company, Clay-hills, Aberdeen. Oct. 4, at 2; Lemon-tree-tavern, Aberdeen. *Seq.* Sept. 22.

LAWRIE, HENRY, Clothier, Hill-sq., Edinburgh. Oct. 5, at 2; Dowells & Lyon's Rooms, 18 George-st., Edinburgh. *Seq.* Sept. 24.

LOW, JAMES, sen., Farmer in Head-house of Clatt, Clatt, Aberdeenshire, deceased. Oct. 2, at 1; Kintore Arms-hotel, Inverury, co. Aberdeen. *Seq.* Sept. 23.

FRIDAY, *Oct.* 1, 1858.

BLAIR, DOUGALD, Grocer, 45 Maitland-st., Cowcaddens, and 131 Eglinton-st., Glasgow. Oct. 7, at 12; Faculty-hall, St. George's-pl., Glasgow. *Seq.* Sept. 27.

GILLIES, COLIN, & EVAN MACPHERSON, Leather Merchants, 47 King-st., and 71 Princes-st., Glasgow. Oct. 8, at 12; Faculty-hall, St. George's-pl., Glasgow. *Seq.* Sept. 27.

M'CREATH, THOMAS, Farmer, Bellesley-hill, Newton-upon-Ayr, Ayrshire, Oct. 6, at 1; Star-hotel, Ayr. *Seq.* Sept. 27.

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THE SOLICITORS' JOURNAL.

LONDON, OCTOBER 9, 1858.

FEES AND DUTIES OF LEADING COUNSEL.

Complaints have sometimes appeared in the columns of this journal, and are frequent and loud in the conversation of professional circles, against the conduct of leading counsel who accept briefs and the fees marked upon them, and then coolly leave their clients to meet what fate they may in the absence of that experienced aid which the retainer was intended to secure. It may happen, in the full tide of legal business, that the House of Lords is sitting on appeals; committees of the House of Commons are hearing railway cases; other committees are trying election petitions; the three common law courts are sitting in banco, and a judge of each of these courts is sitting at Nisi Prius at Westminster, or, perhaps, in London; and the same eminent counsel will undertake cases likely to come on in several, or even in all these courts, at the very same hour. Among the many puzzles which the practice of the law presents to the unprofessional observer, this must be one of most astounding. The unsophisticated layman sees solicitors cheerfully paying away their clients' money for services which very probably will not be given, and counsel pocketing that money without the smallest scruple, while they neither know nor care whether they can appear in court to earn it. The unfortunate suitor's principal consolation is, that the formidable advocacy of which he has paid the bill cannot be employed against him; and, besides this, if the reporters of the newspapers pay special attention to his case, he may have the opportunity of reading next day the pleasant fiction that a famous Q.C. was counsel for him, as well as for numerous plaintiffs and defendants, petitioners and opponents, who before various tribunals have suffered similar disappointment, and now boil with equal indignation. To the uninitiated mind the solicitor appears to be as devoid of prudence as the barrister of honesty, and yet if any one took the trouble to inquire into the causes which produce, and to some extent justify this conduct, he would find the existing practice not so thoroughly indefensible as he had at first supposed.

The public generally, and shareholders in railways in particular, have heard a great deal lately of the enormous cost of litigation before Parliament, and it is known that one heavy item of expenditure is the fees paid to counsel for attendances in committee-rooms, which it may happen that they have never entered. Here is a *primâ facie* abuse of sufficiently glaring character. One would think, that, if ever there were a question that did not admit of much being said upon both sides of it, this was such a one; and yet we find that the reforming ardour of noble lords who sat upon the late committee on private bill business, was very considerably cooled down by listening to the opinions of Parliamentary officials, and practitioners of long experience. In the first place, it appears that the skill required to play upon the weaknesses of the tribunal which the Legislature has seen fit to constitute is, at least in the judgment of many competent authorities, a rare gift. But whether this be so or not, it is certain that the strongest natural talent can only be developed by experience, and the desired combination of inborn and acquired ability is, and is likely to remain, a scarce, and therefore a dear commodity. Regulations intended to restrain the full liberty of litigants to pay, and advocates to receive, what sums they please, would be very difficult to frame; they would probably break down in practice; and, besides, they are opposed to that principle of perfect freedom in all such matters which ought to be carried out much more completely than it is at present in all pecuniary dealings between the lawyer and his client. It is not in these columns, certainly, that any further interposition of the taxing-officer is likely to be invoked, in respect of any sort of legal business or any body of practitioners. The only remedy for the present state of things must be, such an increase in the numbers of the Parliamentary bar as would insure the daily attendance before a committee of the counsel retained upon the Bill. This, again, would appear to the discontented railway shareholders a sufficiently simple matter; and he would probably accuse the legal advisers of his company of obstinacy or interested motives, if they hesitated at all about departing from a practice which he thinks as repugnant to common honesty as it is destructive of his own yearly dividend. But when we come to look into the matter closely, instead of wondering that there are so few men of first reputation at the Parliamentary bar, we shall rather feel surprised that the succession of leaders is kept up at all. A man cannot be trusted unless he has had experience; but if he is not trusted, experience will never come to him. By an accident, fortunate or otherwise, a brief does get, once now and then, into the hands of an untried man. If he is equal to the occasion, so much the better for himself and his clients; but if he fails, he has nothing to complain of, while those who have suffered by speculating upon his latent powers will not run the same risk again, until they are left without an alternative. It has been suggested, that a repetition of the frenzy and folly of 1846 might, by creating an overwhelming pressure of business, have the effect of enlarging the Parliamentary bar; but this would be to spend many millions in order to save a few thousands. A less expensive remedy must be sought, and we think it might, to some extent, be found, if solicitors would determine to form and act upon their own opinion in selecting the recipients of their briefs. Nobody, probably, would deny that the proverb, "There are as good fish in the sea as ever came out of it," is strictly applicable to the bar; but the difficulty always is, to find a solicitor courageous enough to act upon it. We must own, too, that this obstacle is not likely to be removed by the course of recent litigation between dissatisfied clients and their advisers. It would not in the least surprise us to hear of an action being brought and handsome damages awarded against an attorney, for securing to his client the undivided possession of Mr. Briefless, instead of a minute and contingent fraction of the Attorney-General. As Mr. Pritt put it in his evidence before the Lords' committee, "the difficulty is to know who shall be the first to run the risk of taking an untried man;" and the same high authority tells us that so long as there is a bar which "practically" gets through the work, it is very rarely that new men are introduced. We pause for one moment to admire the use of this word "practically." A counsel in any court or courts, whose name is great enough to overawe malcontents, takes many more briefs than he can find time to look at, besides the physical impossibility of appearing in more than one court at the same time, but yet he gets through his work "practically;" that is, some persons concerned know that they only bought tickets in a lottery; others are not competent to judge whether their work has

been done well or ill; some cases are so bad that no negligence of the advocate could make them worse; in others the blame admits of being shifted upon the judge or jury; and as to the residue of murmurers, a robust reputation will outlive them.

In the much maligned Court of Chancery, a leading counsel is sure to be found either in his own court, one of the Courts of Appeal, or the House of Lords; and therefore the abuse of taking fees and leaving the work undone is by no means so prevalent as in other courts. Yet even in Chancery the spectacle may be seen of a counsel speaking while he reads his brief. Thus the judge's time, for which the public pays, is wasted, and perhaps the suitor suffers wrong, but the counsel "practically" gets through all the business he undertakes, and the solicitor thinks that in retaining the foremost advocate of the court he has done his duty to his client, and whatsoever happens, no blame can rest with him. Reputation at the bar, as on the stage, will sometimes survive the powers which won it for their owner. A position gained by ability and industry may be retained by the mere force of habit in the clients' minds, and if leading counsel did not occasionally die, or retire voluntarily, or become judges, it would be difficult to predict when solicitors would cease to send their briefs to them. Thus clever and ambitious men are condemned to languish in the sickness of hope deferred, until all their intellectual vigour is deadened by penury and inaction. Complaints are sometimes made of the nepotism of solicitors, but a much more common fault is the timid shrinking from the responsibility involved in entrusting an important brief to untried hands. A solicitor who dared to rely upon his own judgment might find perfectly sufficient advocacy for his client's case at a much smaller cost than he incurs for a mere chance of the presence of one of the leaders of the bar, and thus he might boast at the close of his professional life that he had called able men from heart-breaking obscurity to commence honourable careers. That so large an amount of talent should be lost to the community among the undistinguished ranks of barristers is a grave social evil, nor is it to be desired that a few fortunate individuals should enjoy a monopoly of business, and an immunity from all censures, however rapacious and unconscionable may be their conduct. It is difficult, we own, to blame severely those who are only reaping in a few short years the harvest of a life of toil. The best defence that can be offered for the conduct of leading counsel, is, that those who choose to employ them do it with a full knowledge that nothing is to be calculated upon, except that they will not return their fees. Baron Bramwell has said, that when he was in great practice he did not read any reports, and did not pretend to do so. His clients knew that he did not, and they took him for what he was worth, and had no right to complain of a bargain made with their eyes open. The practice of the leaders of the bar, however it may astonish and scandalize noble lords who come to the subject fresh, is sufficiently notorious in the profession; and if solicitors cannot rise above a superstitious reverence for established names, they must submit to the exactions and arrogance of those who bear them. The remedy is in their own hands, if only they had boldness enough to use it. When they learn to do so, business in Court will be better and more cheaply done; the emoluments of the bar will be shared more equally among its deserving members; and practical experience will be more generally united to the ten or fifteen years' standing which the wisdom of the Legislature has required as the qualification for judicial office.

TRIBUNALS OF COMMERCE.

The agitation which a few persons have got up in favour of Tribunals of Commerce, has long had that mystical character which defies criticism, and suggests something more than suspicion. Whether the so-called movement was a movement at all—whether its supporters had any notion what it was they wanted—whether, in short, the whole affair was a *bonâ fide* attempt to improve our judicial system or a mere humbug—were points on which we have felt some little hesitation about pronouncing an opinion. But a blue-book has appeared, and, although the committee decline to express any opinion at present on the expediency of establishing such institutions in this country, they have published a mass of evidence which throws some light on the nature of these courts in France, Belgium, and Hamburgh, and exhibits the extremely foggy ideas which are entertained on the subject by the association for promoting the establishment of Tribunals of Commerce, or at least by its enthusiastic chairman.

A few words will suffice to describe the system as it exists abroad; but it must be premised that the witnesses examined on this subject consist of three gentlemen who have served the office of judge, and one banker and railway director in France, so that three out of four of them may fairly be presumed to feel some slight bias in favour of an institution which they have been concerned in administering. The substance of their account is this: The Tribunals of Commerce have absolute jurisdiction, without appeal, up to the limit of £80, over all business disputes between two traders, or between a trader and a non-trader, where the latter is plaintiff. If the amount in dispute is over £80, an appeal lies to the ordinary civil tribunal, and, as it would seem, cases involving legal difficulties are generally appealed. The only effect, therefore, of the compulsory resort in the first instance to the Tribunal of Commerce is, in these cases, to add to the usual course of procedure a small amount of preliminary expense and delay, which is wholly without influence on the final decision. There is, moreover, an appeal in all cases where the jurisdiction is disputed on the plea that the question is not of a commercial character, and this, as might be supposed, has led to endless intricate discussions. The evidence of M. Corr-Vander-Maeren, an ex-judge of the Brussels Court, is conclusive as to the relative importance of the absolute and the appealable portions of the jurisdiction. Out of 3500 cases which came before his Court, in the year ending August, 1857, only 367 involved amounts exceeding £80. To the regular litigious duties of the Court, the functions of a Court of Bankruptcy are added, and it will not be a very erroneous idea of the Tribunal of Commerce to consider it in its practical working as a combination of a court of bankruptcy and a small debts court.

Bearing this in mind, it is not difficult to understand the favour with which the institution is regarded by the higher class of merchants. The judges are wholesale merchants, elected by their own class, and serve without remuneration. The retail trader has no voice in the matter. The chief business of the Court consists in enforcing the demands of wholesale dealers against the smaller traders whom they supply. It is essentially a plaintiff's court—not in the sense of any partiality in particular cases, for the judges are reputed honourable men, but the whole machinery is devised rather for the purpose of facilitating the means of compelling payment of a debt than of investigating really disputed rights. Ordinarily the case is decided without evidence, merely on the statements of the lawyers or quasi-lawyers who generally conduct the cause. If irreconcilable contradictions occur, the question of fact is referred to an expert, whose report is generally followed. If there is a doubt as to the custom of trade, the judge goes upon Change, and picks up information for himself, and then decides accordingly. Where evidence has to be taken at all it is not given before the Court itself, but under a commission, and cross-examination appears to be nearly unknown. These references, however, occur only in exceptional cases, the general course being, that the re-

presentations of the parties or their advocates, made, of course, without oath, supply the only basis of decision.

Such a machinery has its advantages. It gives to the merchant a still easier mode of bringing his customers to book than our county courts provide for the retail shopkeeper. This we take to be the source of the popularity of these tribunals in foreign countries. But for the decision of seriously litigated questions it is difficult to conceive a more faulty arrangement than to entrust them to a Court of amateur lawyers, who commonly decide without evidence. Indeed, in Hamburgh, where the more important cases are probably in larger proportion than elsewhere, it has been found necessary to have a paid professional president to keep in order the two merchant volunteers who make up the quorum.

The question for us seems to be, whether we require any new machinery for the enforcement of debts, as distinguished from the settlement of litigated questions; and, if so, whether we could advantageously borrow the machinery of Tribunals of Commerce. Any one who knows anything of our county courts will admit that they do not err in the severity with which they compel a plaintiff to prove his case by the strict rules of evidence. It is notorious that the Statute of Frauds has, in some districts, a hard struggle for existence, and the legal element will hardly be supposed to prevail too exclusively over the natural justice chimera which is the favourite cry of the crudest class of law reformers. As an engine of compulsion, our county courts would not be strengthened by putting unpaid merchants on the seat now occupied by lawyers; and whatever benefits might accrue from the establishment of Tribunals of Commerce, it certainly would not be those which have recommended the system in France and other countries. Nor do those who advocate the introduction of the system here rest it upon any such grounds. The common argument is, that commercial men will decide questions connected with commerce more correctly, and will be better able to sift the truth out of contradictory statements, than lawyers, who have made such occupations the business of their lives. That our great merchants would ever submit to have their suits knocked off at the rate of 100 a day, generally without evidence, and always without cross-examination of witnesses, is too absurd to be imagined; and if ever a commercial tribunal were naturalised here, it must adopt a much more elaborate mode of investigation than is thought sufficient by foreign Tribunals of Commerce. It is tolerably certain, moreover, that leading men in the City would not sit several days a week as judges for the mere honour of the thing; and, if salaries are to be paid, we doubt whether merchants would value their time at a lower rate than lawyers. The truth is, that these foreign courts are cheap, expeditious, and rough, and answer, perhaps, very well some of the purposes of our county courts. But the thing aimed at here is something entirely different. What is wanted is real judicial nicety of decision on matters of commercial difficulty, and, with this changed purpose, the apparatus would require a corresponding change, that would annihilate much of the economy and expedition of the Court, while it would leave it at last a machine very far inferior to our present tribunals.

Poor Mr. Lyne, who was examined before the committee as to the objects of the association of which he was chairman, was utterly unable, after having devoted himself to the subject for seven years, to indicate the nature of the machinery which he was so anxious to introduce. He shied off at the first question, and declared that his association was not so much for promoting the establishment of Tribunals of Commerce, as for the vaguer purpose of investigating the evils of the present commercial law system in this country. The committee, with cruel kindness, allowed Mr. Lyne to descend from his particular reform to the more tempting subject of legal abuses in general. Being one of those gentlemen who consider all law quibbling, and all lawyers rogues, and who think a sort of commercial intuition a better way of getting at facts than a patient and wearisome investigation, he is naturally no admirer of the practice of cross-examination, which he pronounces second only to the Spanish Inquisition; but after experiencing the process at the hands of the committee, his views upon the efficiency, if not the agreeableness, of the method, must have undergone considerable modification. Scarcely an opinion, or a statement, which he hazarded remained uncontradicted by the end of his examination, and he has, at any rate, proved this, that if Tribunals of Commerce are ever to be established, it will not be in consequence of what the chairman of the association which has taken up the subject is able to say in their favour.

So far as anything definite can be picked out of Mr. Lyne's evidence, his leading idea is, "to get rid of the attorney and have a reconciler—a sugar-broker on a question of sugar, or a tailor if the dispute is about a coat; the right man in the right place." Later on, his reconciler is to be a barrister, with a salary of £2000, but this is only one of the smaller variations of his plan, which he introduced under the pressure of irresistible cross-examination. Having disposed of the attorney, the next step is to get rid of professional judges. The fact that our Courts are composed of lawyers causes, it seems, by some mysterious influence, a long preliminary of legal procedure, "in consequence of the ignorance of those who have first to deal with the case." Two delightfully irrelevant illustrations of the iniquity of the law are given. One is, the case of *Bryden* v. *Dick*, where Mr. Lyne fancied that he heard the judge, after summing up, say to the jury, "If you find for the plaintiff I shall direct a nonsuit, because it will not be law." There is something rather funny in a man who professes to reform the law displaying such gross ignorance of what could happen in the Court of Queen's Bench. But even if a judge could have talked such nonsense, it certainly would not have been in consequence of his professional training, but rather in spite of it. The other example cited by Mr. Lyne is a case of his own, in which he failed, in consequence of the perjury of an adverse witness—of course the witness was an attorney; but how a commercial tribunal is to be proof against error occasioned by false evidence, is not quite intelligible, unless it is to exaggerate the foreign practice to such an extent as to decide altogether without evidence in every case that comes before it. In one place, Mr. Lyne ventures to suggest the class from which his commercial judges are to be chosen. It will only, he says, be necessary to take those who now serve as special jurymen, and the competency of the Court will be beyond all doubt. Even here, however, the unlucky witness could not keep clear of a contradiction, for, in one of his bursts of eloquence against all that savours of the law, he falls foul of his favourite jurymen with almost as little mercy as he shows to judges and lawyers. Among Mr. Lyne's profound opinions we ought not to omit that he objects to the connection between the solicitor and the barrister, "on the ground that it opens the door to the increase of expense through the exercise of fraud." Retaining fees are naturally an abomination to him, and refreshers are equally distasteful. To consultation fees and brief fees he decidedly objects; and yet he is obliged to confess that even when his Tribunals of Commerce were established, it would still be necessary for suitors to obtain professional aid. How they are to get it without paying for it is not explained, but this is only one of the minor difficulties of Mr. Lyne's project. We do not think there is much harm in all this rabid nonsense, because we are altogether sceptical as to the advantages to be derived from Tribunals of Commerce; but we do hope that Mr. Lyne will never take up any reform that deserves to succeed, for it would be a hard matter for the soundest scheme to survive the ridicule to which Mr. Lyne's advocacy would be likely to expose it.

THE LEEDS COUNTY COURT.

We recently transferred to our columns from a local paper an account of the last passage of arms which has taken place between the Rhadamanthus of Leeds and the advocates of his court. The present joust, however, was run with covered lances; and as no harm seems to have been done to the suitors, nor any thing beyond amusing specimens of the retort courteous to have passed on either side, the scene, though unseemly enough, would scarcely in itself have required our notice. It brings, however, into prominence an ambiguity in our law which, unless cleared up by competent authority, may occasion practical inconvenience; and of which it may therefore be useful to give some account.

The difficulty which has emerged from the case of *Spark* v. *Newbound* is, whether the proper parties to decide on the stamp which a document tendered in evidence requires are the Commissioners of Stamps or the judge trying the cause—or rather, whether the authority of the Board becomes paramount as soon as called into operation. This question depends upon the construction of two statutes taken together—viz. the 13 & 14 Vict. c. 97, and the 17 & 18 Vict. c. 125. By the 14th section of the first of these it is said, that as doubts frequently arise as to the stamp duties with which some deeds or instruments are chargeable, it is expedient that provision should be made whereby such doubts may be removed; and that, for the future, when any deed or instrument liable to stamp duty (whether previously stamped or otherwise) shall be presented to the commissioners for their opinion as to the proper duty, they shall, on payment of a certain fee, assess and charge the duty to which, in their judgment, the same is liable; and if it has already been sufficiently stamped shall denote that fact by a special stamp; and that every deed or instrument passed by the Board shall be deemed to have been duly stamped, and shall be receivable as evidence in all courts of law or equity, notwithstanding any objection made to the same as being insufficiently stamped. The decision of the board is final, unless appealed against, which it may be by any party dissatisfied with the opinion of the commissioners. For by the following section of the same statute, the appellant is enabled to cause a special case to be stated by the commissioners for the opinion of the Court of Exchequer. At the time when this statute passed, viz. in the year 1850, the reception as evidence of a document insufficiently stamped, might happen to vitiate the verdict obtained thereon; but among the other changes introduced by the Common Law Procedure Act of 1854, the duty of looking after the interests of the revenue in this respect was in effect transferred from the opposite party in the cause to the Court itself; and, as a necessary consequence, stamp objections to evidence have become less frequent than they were. In the superior courts, moreover, such matters are now carried through with a high hand. The Procedure Act just mentioned, not only entrusted to judges a new duty, but provided against litigation being fostered by their fallibility, by declaring that a ruling in *favour* of a document, whose character for propriety in the matter of stamps has been assailed, should form no ground for a new trial. Now the judges of the superior courts, rejoicing much in this immunity from being taken to task in Westminster Hall the following term, think a good many times before they reject a document as insufficiently stamped; their position being rendered still more comfortable by the decision of the Common Pleas, that where a document as to the stamp of which a question has been raised is admitted by the judge, the point ought not to be reserved.* They probably satisfy their conscience in these matters by the reflection, that a stamp objection being strictissimi juris is likely enough to be made by the man in the wrong; and that, at all events, the rights of the case as between the parties are by no means affected by whether some document, evidence therein, should benefit her Majesty's exchequer to the extent only of half a crown, or by an ad valorem duty. We have had the curiosity to consult on this point the Nisi Prius reports recently published by Messrs. Foster & Finlason, and it appears that out of some half dozen cases in which a stamp objection was raised, not a single one came to anything. In the county courts, the general course of practice has probably been the same; but from the case of *Spark* v. *Newbound* we gather that Mr. Marshall scorns any such compromise with his conscience as above suggested, though he is not quite prepared to play the rôle of a martyr to his faith. On the 17th of August he rejected a document as insufficiently stamped; but at an adjourned hearing of the cause, he admitted it, in deference to the opinion of the Commissioners of Stamps, whose authority to control his own he at the same time repudiated. It was unfortunate for his own ultimate case that he did not in the first instance decide the case on its merits, but "adjourned it, refusing to give any reason for doing so but his own convenience;" for, before the next hearing day, the Commissioners of Stamps had decided that he was wrong, a circumstance which gave him the unpleasant alternative of reversing his own decision, or raising a hornet's nest about his ears. He "concluded," though ungracefully, to kiss the rod; and as the case was ultimately referred by the parties to his private decision, we infer that no real bitterness existed in the little scene which preceded his submission; but as to whether he was justified in admitting a document which, in his judgment, was insufficiently stamped, in deference solely to the opinion of the Commissioners of Stamps, and without any reason or authority adduced in its support, some doubt may be entertained. The Act of 1854, though it incidentally refers to that of 1848, does not appear to contemplate any recourse to the commissioners for the purpose of deciding a stamp question, arising at the trial of an action. The duty of admitting or rejecting any particular document is thrown on the judge, and him alone; and we think that, if Mr. Marshall still felt himself to be correct in his law, he should have persisted in the decision he had already pronounced, and not have vented his dissatisfaction by a sneer at the suitors before him. It might be that "he could not see what legitimate object the parties to the action could have in bringing a case involving so small a sum before the public;" but we cannot in the least understand what this had to do with the admissibility or otherwise of the document in dispute.

* Sturdet v. Kuczinski, 25 L. J., C. P., 2.

Legal News.

TURNPIKE GATES.

(*From the "Saturday Review."*)

Happily the last instance of tollkeeping injustice which has obtained publicity has been perpetrated on one who of all others is the best able to reform the abuse, in the person of Lord Redesdale. At the petty sessions of Shipston-on-Stour, the Chairman of Committees of the House of Lords summoned a turnpike-gate keeper for refusing to give change for sixpence, tendered in payment of a penny toll. The justices decided, probably in strict conformity with the law, that sixpence was not a legal tender for a penny, and when the defeated plaintiff demanded the fivepence, which was undoubtedly due, his triumphant adversary tauntingly replied that he would pay it on receiving change for sixpence. There can be little doubt that the toll-collecting fraternity throughout the kingdom will take advantage of the happy legal discovery of their colleagues. Sixpences, and shillings, and half-crowns, will be collected in abundance from travellers who have never thought of loading their pockets with copper coin before starting for Fulham or for Hampstead—change at turnpike-gates will become as scarce as in the pockets of cabmen—and the misanthropes gloating over their hoards of silver will feel themselves doubly avenged.

Lord Redesdale is fortunately the last person who is likely to submit tamely to extortion, and he will undoubtedly have discovered that the Shipston Shylock has overreached himself in insisting on his pound of flesh. A gate-keeper may, perhaps, keep his gate shut in default of a tender of the exact toll; but as soon as he has received a larger sum he becomes a debtor for the balance. If Lord Redesdale had no right to demand change, he was certainly entitled to resist a similar claim when he required the payment of the five-pence which was his due; and unless the gate-keeper has seen his error, he has probably by this time been served with notice of a plaint in the county court to recover the balance. The abuse will in any case be corrected in all future turnpike bills. In such matters Lord Redesdale wields the authority of the House of Lords, and controls the legislation of the House of Commons, and he will undoubtedly take care that future travellers shall not be plundered by the lowest agents of local taxation. Yet, as an efficient man of business, he would confer a far greater benefit on the community if his just indignation induced him to exa-

mine the whole system of tolls, and to devise some equal rate or impost which might supersede the necessity of turnpike-gates.

In the new Medical Act (21 & 22 Vict. c. 90), it is provided that every person registered under the Act shall be entitled, according to his qualification, in any part of her Majesty's dominions to practise, and to recover in any court of law, "with full costs of suit," reasonable charges for professional aid, advice, and visits, and the costs of medicines or other medical or surgical appliances. It is also provided, that "after the 1st day of January, 1859, no person shall be entitled to recover any charge in any court of law for any medical or surgical advice or attendance, or for the performance of any operation, or for any medicine which he shall have both prescribed and supplied, unless he shall prove upon the trial that he is registered under this Act." The "register" is evidence in all courts.—

Nearly ten years ago a Mr. Hartley died, and bequeathed, by will, upwards of £100,000 to the corporation of Southampton, to be expended in measures to promote the intellectual improvement of the inhabitants. The will was disputed, and litigation has been going on up to the present time in the Court of Chancery. At the recommendation of the counsel engaged, the litigants have compromised their claims for £22,500; leaving a balance of about £78,000 for the corporation, out of which have to be deducted law costs and legacy duty; so that all that remains to carry out the wish of the testator is £39,780. The cost of taxing the law charges was nearly £1000.

The death of Mr. John Campbell, Chief Registrar of the Bankruptcy Court, was announced on the 5th inst. Mr. Campbell was appointed in June, 1852, under the statute abolishing the office of secretary of bankrupts, and transferring its duties to the Chief Registrar. He was nearly related to the present Lord Chief Justice Campbell. Mr. Whitehead, the Senior Registrar, is appointed to succeed him. The appointment is worth more than £2000 a-year.

Mr. W. F. Higgins, barrister-at-law, is stated to have been appointed Mr. Whitehead's successor.

On the 1st inst. the new Copyhold Act came into force. There are amendments as to voluntary and compulsory enfranchisements and the extinguishments of heriots. An award by the Copyhold Commissioner is to have the same effect as a conveyance. There are also enactments in regard to the Crown estates of copyhold and customary tenure. The Act is to be taken and construed as part of the Copyhold Acts.

£1,062,564 was the amount of assessed taxes in 1856 for all the counties of England and Wales, and £97,720 for those of Scotland. In the boroughs of England and Wales £803,986, and in those of Scotland £56,762: making a total of £2,021,032 for the counties and boroughs of Great Britain.

A meeting of the late Feargus O'Connor's Land Scheme Company was held in Nottingham, on Wednesday evening, the 6th instant; Mr. Ley in the chair. After some discussion it was unanimously resolved—"That if twenty years' rental for the purchase could be obtained, it should be accepted." A memorial to the Master in Chancery to that effect was then adopted.

On Wednesday evening, 13th inst., 150 members and associates of the National Association for the Promotion of Social Science, will, it is said, be invited by the authorities of the Queen's College, attached to the Liverpool Institute, Mount-street, to be present at an address to be delivered by Lord Brougham.

Mr. James Losh, judge of the Northumberland County Courts, died on the 1st inst., at Newcastle-on-Tyne. Attacked with paralysis in August last, he remained prostrated until his death. His office has been filled during the interval by Mr. S. Grey. Mr. Losh was called to the bar in 1829, and went the Northern Circuit until his appointment as County Court Judge. He was 55 years of age.

The number of English and Scotch purchasers under the Irish Incumbered Estates Act of 1849, is said to be 324; of Irish, 8258. The amount of purchase-money of the former was £3,160,224; of the latter over £20,000,000.

The Lord Chancellor has appointed Mr. J. B. Dasent, of the Norfolk circuit, to the judgeship of the Northumberland County Court.

Mr. Commissioner Murphy concluded the sittings in the Insolvent Debtors Court on the 1st inst., and Mr. Commissioner Phillips will sit on Tuesday week, the 19th inst., to hear bail cases and motions.

Legislation of the Year.

20 & 21 VICTORIÆ, 1857-8.—(*Continued.*)

CAP. LXXV.—*An Act to amend the Law relating to cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies, being also Railway Companies.*

The portions of this Act which refer to the subject of the cheap (or, as they are commonly called, the "Parliamentary") trains, which were required to be provided by each railway company, under the provisions of 7 & 8 Vict. c. 85, need not detain our attention—the object of them being merely to provide a proper charge for *fractions* of miles. The 3rd section of the Act, however, relates to a different subject, and requires some explanation. In the year 1845 an Act passed (8 & 9 Vict. c. 42), by which canal companies were enabled to become carriers of goods upon their canals—a power of the same nature having been already very generally granted to *railway* companies by their several special Acts. By one of the provisions of the Act of 1845, in order to facilitate the conveyance of goods and merchandise, canal and navigation companies were also empowered to enter into agreements with each other for the apportionment of tolls and similar arrangements, in the same way that railway companies were authorised; and moreover to *lease* their tolls and dues to any other canal or navigation company for a term not exceeding twenty-one years. But these powers of leasing were not to be exercised by any company until after the consent of a majority of two-thirds of the shareholders thereof. Since the Act of 1845 above referred to, companies have been established for the carriage of goods or passengers partly on railways and partly by canal, and the clause now under discussion has been passed to prevent such "railway and canal" companies from availing themselves improperly of the leasing powers given in the Act of 1845. With this object it is enacted that they may not accept a lease of the whole or any part of the undertaking of any other railway and canal company, or of any canal and navigation company, or of the tolls, dues, or charges in respect of such undertaking,—unless they obtain an Act of Parliament for the purpose, specifically naming the parties to the lease, and authorising them to enter into the same.

The object of this clause as a preventive measure is not very apparent, though no difficulty seems to arise on its construction. It may be presumed, however, to have been the consequence of some improvident or secret speculations entered into by the directors of certain companies. Yet it is not easy to see why the restriction introduced by the Act under discussion should be confined to such companies as combine the working of railways and canals, nor why it should be merely temporary in its operation; for, by the 4th section, it is only to continue in force till the end of the session following after the 2nd August, 1859.

CAP. LXXVII.—*An Act to amend and extend the Settled Estates Act of* 1856.

1. The first object of the Act under discussion is, to extend the definitions given in the Act of 1856, of the several terms "settlement," "settled estates," and "building lease." As to the two first of these, they are in effect defined by 19 & 20 Vict. c. 120, s. 1, as follows; viz. that by the word "settlement" shall be signified any instrument under or by virtue of which any hereditaments, or any estates or interests therein, stand limited to, or in trust for, any persons by way of succession,—including any such instruments affecting the estates of one or more of such persons exclusively. And that by the term "settled estates" shall be signified all hereditaments, and all estates or interests therein, which are the subject of a settlement. These definitions did not include estates, or interests in settled hereditaments, whereof the limitations did not extend to the fees simple therein. Thus, if A. seised of Blackacre in fee granted particular estates therein to B. and C. in succession, A.'s reversion in Blackacre was not "settled," so as to be within the provisions of the Act. This defect is now remedied, it being declared by the Act under discussion that all estates or interests in reversion not disposed of by the settlement and reverting to a settlor, or descending to the heir of a testator, shall be deemed to be estates coming to such settlor or heir under or by virtue of the settlement. Then, again, with respect to the term "building lease." By 19 & 20 Vict. c. 120, s. 2, the Court of Chancery is enabled to authorise agricultural, occupation, mining, building, and other leases of settled estates, provided such leases comply with certain conditions specified in the Act; one of which is, that if it be a "building" lease, the term of years is not to exceed ninety-nine, unless there be a local custom, beneficial to the inheritance which is the subject

of the application, to grant building leases for longer terms. But the Act under discussion (s. 2) now says, that the term building lease in the Act of 1856, is to be deemed to include a *repairing* lease, "so that no repairing lease shall be made for a term exceeding sixty years." A repairing lease for such a period of a messuage which is the subject of a settlement, may now therefore be authorised by the Court of Chancery under the circumstances and conditions required by 19 & 20 Vict. c. 120, s. 2.

2. Again, although the Act of 1856 included in its definition of "settled estates" hereditaments of copyhold or customary, as well as freehold tenure, the provisions therein empowering the Court of Chancery to authorise leases were not considered to be paramount to the rights of lords of manors. And one of these is to require each tenant of the manor who will make a demise of his holding for more than a year, to obtain his lord's license on pain of forfeiture. Hence the Act under discussion (s. 4) puts the lords of settled manors into the place of the Court of Chancery, with respect to leases sought to be made by the copyhold or customary tenants of such manors; and enables licenses to lease to be given by such lords to the tenants, under the same conditions as (with regard to freehold leases) are required to be fulfilled by 19 & 20 Vict. c. 120, ss. 2—11, as now amended by ss. 2, 4, & 5 of the Act under discussion.

3. Under the Act of 1856, certain building leases for more than the term of ninety-nine years might, as above mentioned, be sometimes authorised. The Act under discussion extends this power to the case of all the other leases mentioned in the 2nd section of the Act of 1856, with the exception only of *agricultural* leases. So, also, by the same Act (s. 5), leases granted under its provisions might be surrendered; and by the Act under discussion "all leases, whether granted in pursuance of the Act of 1856 or otherwise, may now be surrendered." It is not so stated in terms, but this must of course be understood only with regard to leases of hereditaments comprised in settled estates.

4. By 19 & 20 Vict. c. 120, s. 32, any person entitled to the possession or to the receipt of the rents and profits for a life or greater interest in any *settled estates* (either in his own or his wife's right) might demise for a term of twenty-one years on certain conditions. So, also, might any person similarly entitled with regard to *unsettled* estates, either as tenant by the curtesy or in dower or in right of a wife seised in fee. And by the 34th section of the same Act, every such demise shall be valid not only against the grantor, but (in the case of settled estates) against all other persons entitled subsequently to the grantor under the same settlement, and (in the case of unsettled estates) against all persons claiming under the wife or husband (as the case may be) of the grantor. The Act under discussion (s. 8) adds to the persons against whom the demises authorised by 19 & 20 Vict. c. 120, s. 33, are to be valid, the wife of a husband demising an unsettled estate to which he is entitled in right of his wife.

5. The other two clauses of the Act under discussion (viz. the 6th and 7th) have reference to different subjects from those hitherto considered. One of these is as to the examination directed by the 38th section of the Act of 1856 of a married woman making or consenting to an application to the Court. This, by that Act, was required to be made either by the Court itself, or by some solicitor duly appointed for the purpose. The Act under discussion (s. 6) allows the examination of a married woman *resident out of the jurisdiction* to be taken by any person appointed for that purpose by the Court, whether he is a solicitor of the Court or not.

The other provision of the Act under discussion extends to it the power contained in the 30th and 31st sections of the Act of 1856, for making and rescinding general rules and orders for the purposes of the Act,—such rules and orders to be binding after having been laid for a certain period before Parliament.

CAP. LXXVIII.—*An Act to enable the Committees of both Houses of Parliament to administer Oaths to Witnesses in certain Cases.*

It is somewhat singular, that, though in its collective capacity Parliament forms the highest tribunal in the country, the committees delegated by either House to inform their conscience in certain particulars have not, (except on election petitions) hitherto enjoyed the power of administering an oath to those from whom they seek information—an authority incident to the humblest court of justice. Hence false evidence given to select committees has escaped punishment, other than by commitment under sessional resolutions. By the Act under discussion, however, "any select committee of the House of Commons to which any private Bill has been referred by the House" may now examine upon oath, and administer the same to the witnesses.

As to the House of Lords, their practice hitherto has been to swear the witnesses about to give evidence to their committee at the bar of the House,—that House having power to do so in their capacity as a court of justice, which the House of Commons by itself is not. Before the Act under discussion, however, they had no power to delegate this authority to certain of their number sitting as a committee, but any such committee may now administer an oath to those examined before it.

The Act under discussion also expressly declares that the penalties of perjury shall thenceforward attach to wilful false evidence before persons examined before committees of the House of Lords or select committees on private Bills of the House of Commons. This would seem to be required, and not to follow as of course from clothing committees with power to administer an oath, as wilful false evidence before them would not fall within the common law definition of perjury given by Sir E. Coke—viz. when a lawful oath is ministered by any that hath authority to any person in any judicial proceeding who sweareth absolutely and falsely in a matter material to the issue or cause in question. For the petition on which a private Bill is founded is no "judicial proceeding," nor, indeed, is there in such any issue or cause in question to which the matter falsely sworn is material.

CAP. LXXIX.—*An Act to amend the Law relating to Cheques or Drafts on Bankers.*

It is our intention in speaking of this Act simply to give such an account and explanation of its provisions, taken in connection with the former Act upon the same subject, as shall be sufficient to disclose its legal effect. For the policy of the alteration in our banking law, which it was designed to produce, and the propriety of the concession to the banking interest introduced by the 4th section, have been already discussed in a variety of other quarters, and that ad nauseam.

The origin of the Act is well known to most of our readers. It has long been the practice to write across drafts on bankers, commonly called cheques, the names of some other bankers, or the words "& Co." simply. The intention of the first mode of crossing is to direct the banker on whom the cheque is drawn to pay it only on being presented for payment by or through the banker named; the intention of the latter is to direct him only to pay on its being presented for payment by or through *some* banker. At one time an impression prevailed that these directions were obligatory on bankers; but certain cases decided that such was not the law, and that a banker who paid over the counter a cross written cheque was not necessarily responsible if the payment ought not to have been paid to the person who received the money, but only if negligence could be proved by the customer. This state of things it was thought desirable to alter by Act of Parliament, and to throw on the banker the responsibility of paying otherwise than as directed; and, therefore, in 1856, "in order to conduce to the ease of commerce, the security of property, and the prevention of crime," a short Act (19 & 20 Vict. c. 25) was passed, the object of which was to enable drawers or holders of cheques to direct, and not merely to request, the payment thereof to be made only to or through some banker. The mode devised of effecting this object was to enact that where a cheque "bears across its face" an addition of the name of a banker, or the words "& Co.," such addition should have the force of a direction to the bankers on whom it was drawn, that the same was to be paid only to or through some banker. These provisions were, however, found to be inadequate to the proposed end. The well-known case of *Simmons* v. *Taylor* decided that the banker was bound only by the cheque as it appeared to him on its being presented for payment, and consequently that if the banker's name originally added across its face were erased or cancelled on its being presented, the banker on whom it was drawn was justified in paying it to the bearer without inquiring when such erasure or cancellation took place. This decision neutralised the Act of 1856, the object of which was to assure by express law a security to the customer which to a certain extent he had long enjoyed, and hence the Act under discussion was originated, in order to effect the same object in happier terms. It consists of five clauses, the last of which is merely an interpretation of the word "banker" taken from the previous statute—which Act, it may be observed in passing, the one under discussion neither repeals nor refers to in any way whatever. The 1st clause is to the effect that whenever a cheque "shall be issued" crossed with the name of a banker, or with two transverse lines with the words "and company," or any abbreviation thereof, such crossing shall be deemed a material part

of the cheque, and the banker on whom it is drawn shall not pay the same except to the banker specified, or some banker, according to the form of the crossing. It will be observed that the great distinction between the present and the former enactment is, that the first referred to the condition of the cheque when presented, but the Act under discussion speaks of the manner in which the cheque is originally drawn.

The 2nd clause is not so material, its object being merely to allow any lawful holder of a cheque which issued uncrossed, to turn the same into a crossed cheque by himself making the addition.

The 3rd clause makes it felony for any person with fraudulent intent to obliterate, add to, or alter, the crossing of a cheque, or (with like intent) to utter a cheque in which such change has been made.

The 4th section in the Act under discussion was inserted in the passage of the Bill through Parliament, and it will be observed that its effect is to leave bankers very much in the same position as that in which they stood before the Act of 1856, with regard to their responsibility in the matter of crossed cheques. It provides, in effect, that bankers paying over the counter a cheque which originally issued a cross cheque, shall not, unless the crossing or the alteration therein plainly appears when presented for payment, be in any way responsible or incur any liability; nor shall such payment be questioned by the banker's customer, unless the banker shall have acted malâ fide, or been guilty of negligence.

Correspondence.

COUNTY COURT TREASURERS.

To the Editor of THE SOLICITORS' JOURNAL & REPORTER.

SIR,—The admirable remarks of your Dublin correspondent, a few weeks back, relative to the disqualification of solicitors for holding many public appointments, induce me to call your attention to the office, duties, and salary of treasurers of county courts.

You are aware that a county court treasurership is one of the few public appointments which can be held by a solicitor; but as we see vacancies being filled up, as they arise, one after another, by gentlemen of the bar, I hope I shall not be accused of disloyalty to that "inferior" branch of the profession, to which I have the honour to belong, for calling the attention of my brethren to this subject.

The office of treasurer was, as you know, created by s. 23 of 9 & 10 Vict. c. 95, which empowers the Commissioners of the Treasury to appoint as many treasurers as they like, the amount of salary being such as the commissioners "shall from time to time order." The original allowance was, I believe, £500, but has since been gradually increased, and now stands at the very respectable figure of £850. The clerk of the treasurer receives £100 per annum, which is, I understand, paid in addition to the salary, so that his fortunate master has nothing to deduct from his £850. True it is that he is prohibited from practising in the court; but this is, virtually, no prohibition at all, as the gentlemen likely to receive this state appointment are not to be found amongst the practitioners of the court. That is not the order of the day.

Having glanced at the salary, let us turn our attention to the duties. What are they? Simply to audit the accounts; a duty which can doubtless be easily done by the clerk, who, after doing all the work, must, nevertheless, have plenty of spare time on his hands. The whole of the treasurer's duties are, then, so far as I have been able to ascertain, to superintend the audit, to pay over the fees, and to give a receipt for his salary, which, by the bye, comes out of that frightful accumulation of taxes, the Consolidated Fund.

It is needless to inquire into the intention of the framers of the Act, or of the Government of the day which passed it, as it is manifest that it was to create patronage, which now, in all imaginable shapes, presses with such fearful weight on the country. Besides, Sir, you have nothing to do with politics, and, therefore, I must not dwell on this phase of the question.

Intimately connected with this subject, is that of the expense of proceedings in the county courts. If gentlemen are to receive £850 a-year for doing next to nothing, it follows that some one must pay them, either tax-payer, or suitor, or both. The fees of the courts are scandalously high for a "poor man's tribunal," accumulating by tenpence in every pound, or fractional part of a pound, for the summons, and two shillings for the hearing fees; so that to sue for a doubtful debt of £20, costs the plaintiff sixteen shillings and eightpence for the summons, and *two pounds* for the hearing fees; whilst the fees allowed to attorneys are hardly worth having. We hear a great deal of the charges of solicitors in conveyancing transactions, but it appears to me that, considering the growing system of miserably remunerating them, they have only that branch of practice left worth following, and even that, we are told, is shortly to be rendered less lucrative; doubtless, to the advantage of the friends of men in office, as in the case of the county courts. Pardon this digression, as I labour under the conviction (perhaps an erroneous one) that *professional* law reformers should direct a little more of their attention to the interests of their brethren than their enemies, particularly in an age when legislation proceeds on the principle of making as many posts as possible to be conferred on political friends or relatives; and of depriving the solicitors of what they have to enrich hungry functionaries.—Your obedient servant,

R. W.

Notes on the Law of Prescription.

(*From our Dublin Correspondent.—Continued from page* 957.)

Light.—Sect. 3 of the Prescription Act (2 & 3 Will. 4, c. 71) enacts, that when the access and use of light to and for any dwelling-house, workshop, or other building, shall have been actually enjoyed therewith for the full period of twenty years without interruption, the right thereto shall be deemed absolute and indefeasible, any local usage or custom to the contrary notwithstanding, unless it shall appear that the same was enjoyed by some consent or agreement, expressly made or given for that purpose in writing.

The effect of this section is to convert into an absolute right, even a permissive enjoyment of light which has been continued for twenty years; and this quasi easement of the enjoyment of light is, in fact, more easily acquired than any of the other easements mentioned in the statute; the right, however commenced, becoming indefeasible after twenty years enjoyment. The 8th section provides that the enjoyment of ways and watercourses during the continuance of particular estates shall not prejudice the reversioner, but as this saving does not extend to light, the right to that may be acquired by enjoyment as against all persons with whom no agreement in writing exists. It follows that no verbal permission, or any act short of building up a wall, will save the right of the person who has the power of interrupting the enjoyment of light; in the absence of a written agreement the statute is *always running* in favour of the party enjoying the light (6 Exch. 630). An interruption does not affect the right, unless permitted to continue for a twelvemonth (under s. 4); consequently an enjoyment of light for nineteen years and a part of another year, may, at the close of the twentieth year, render absolute the right (*Flight* v. *Thomas*, 11 Ad. & E. 688; 8 Cl. & F. 231); although the Courts are not disposed to extend the principle of that decision (per Lord Campbell, 17 Q.B. 272). A right to light once acquired may be forfeited by non-user for a less period than twenty years. All the circumstances must be looked at in order to arrive at a conclusion as to the right having been abandoned or not. Where, for instance, the proprietor of a house pulls it down, and manifests no intention of rebuilding, it will, after very few years, be considered that the right to light and air has been abandoned (Shelf. R. P. S. 116). The proper course to be pursued where an obstruction of ancient lights is threatened by the buildings of an adjoining proprietor, is to proceed in equity for an injunction. An action at law also lies for the obstruction of ancient lights; and to recover it must be shown that the light (if not altogether taken away) is so diminished as to injure the plaintiff's premises in point of value or occupation. An obstruction of the light to a very slight or nominal extent cannot be complained of, for every man can make what use he pleases of his own property, so that he does no actual injury to that of his neighbour. Small interruptions of light and air give no right of action; for they are necessary incidents to the common enjoyment of all (per Parke, B., 6 Exch. 373).

Computation of Time.—Sect. 4 enacts that the before-mentioned periods of years are to be deemed and taken to be those next before some suit or action grounded on the claims to which such periods relate; and that no act shall be deemed an interruption within the meaning of the Act unless it shall have been acquiesced in for one year.

In pleading it is sufficient to aver an user of the right for the requisite term of years next before the commencement of the suit; it is not necessary to allege its continuance for the required length of time prior to the act

complained of; consequently, the enjoyment up to the time of the defendant's act gives an incomplete title, which may become complete or not by an enjoyment subsequent, according as that enjoyment is or is not continued to the commencement of the suit (15 M. & W. 242). As the acts of user would not often be likely to continue (especially with regard to ways and easements of that nature) constantly up to the time of the action being brought, it was considered sufficient by Parke, B., that some such act should take place at least within every year (6 Exch. 832).

Sect. 6 provides that no presumption shall be admitted or made in favour of any claim, on proof of the enjoyment for any less period than that required by the Act. Under the old law, any period of enjoyment might be put forward in substantiation of the claim, but now all shorter periods than those required are excluded.

Sect. 7 provides that the time during which a person, otherwise capable of resisting a claim, shall be an infant, or otherwise under disability, or shall be a tenant for life, or during which any action or suit shall be diligently prosecuted, shall be excluded in the computation of the above periods, except only where the right or claim is declared absolute and indefeasible; and

Sect. 8 provides, that when any land or water, the subject of any way or watercourse, shall be held for life or for a term of more than three years, the time of such enjoyment shall be excluded in computing the period of forty years, in case the claim shall within three years after the end of such term be resisted by the reversioner.

Of these two last-mentioned sections, one excludes a tenancy for life from the period of forty years, while the other narrows this exception of tenancy for life by imposing the condition that an action be brought within three years after its determination. It will be observed that this provision does not apply to the period of twenty years mentioned in the 3rd section. It will further be observed that the 8th section (apparently by mistake) provides only for cases where a way or watercourse is in question, and not for any other easements.

Pews and Vaults.—As all rights, incidental to property, were originally enjoyed by the owners of that property, and as a presumed grant was the foundation of every claim on the part of other persons, so the pews and seats in a church are supposed to be, as of right, the property of the parish, and to be enjoyed by parishioners in such way as the churchwardens may determine; and all claims to the exclusive use of a pew or seat, in the absence of an existing faculty, must be grounded on some presumed faculty granted in former times. A pew claimed by prescription, or long exclusive user, is, therefore, supposed to have been granted by faculty, the proof of which is lost (1 Phill. 324—328). The right to a pew in the body of a church may be regarded as an easement, but one of a very peculiar character, as it is not in its nature a personal right, but merely a right annexed to the occupation of some dwelling-house in the parish. The right cannot be severed from the occupancy of the house, as is sometimes supposed; nor can the person having a prescriptive right to the pew, sell, or let it, to any person who is not a resident in the parish. If the house be sold to a person not resident in the parish, the pew reverts to the churchwardens and parishioners: if the house be sold or let to a parishioner the right to the pew of course passes along with it. To establish the prescriptive right of the dweller in a certain house to a pew, it is necessary to show long enjoyment as appurtenant to the house; and the claim is likely to be set aside if it can be shown that repairs have been executed by others than the dwellers in that house, the presumption being that repairs always take place at the expense of those who are entitled to the use of the pew. An action will lie for disturbance of the enjoyment of a pew annexed to a house by faculty, or by prescription. Pews in the chancel of the church are governed by different rules, as chancels and chapels are in general the property not of the parish, but of the rector and others. The Ecclesiastical Courts have jurisdiction over pews; but where a legal right is in question, as one of prescription, the course is to obtain *prohibition*, in order that the right may be tried by a jury. (For the Law of Pews, see 1 Burn's Eccl. Law, 8th ed., Roger's Eccl. Law, 2nd ed., tit. "Pews," where the cases are collected.)

Vaults within the church have been, in like manner, granted by faculty, and have been prescribed for as annexed to dwelling-houses within the parish; they appear to be governed by the same rules of law as are applicable to pews and seats within the body of the church.

Operation of the Act.—The Prescription Act of Will. 4 does not, by its terms, extend to Scotland or Ireland; but, as we have seen, an Act of the late session (21 & 22 Vict. c. 42) extends all its provisions to Ireland, and this extension is to take effect from the 1st day of January, 1859.

Review.

A Treatise on the Law of the Farm, including the Agricultural Customs of England and Wales. By HENRY HALL DIXON. London: Stevens & Norton. 1858.

A law work which, in any manner, deviates from the beaten track is likely enough to fall still-born from the press, however excellent may be its contents. And one apprehension we entertain with regard to the treatise before us is on account of certain erratic tendencies in its composition. For example, the author tells us, that, "in order to meet the requirements of general readers, the cumbersome case references have been kept out of the text, and confined solely to the conventional table at the beginning of the work." But, as for "general readers," we are at a loss to conceive where they are to come from. There is but little in the book which can be intelligible to a layman, and that little would be all the more pleasing to him without the names of any cases at all. On the other hand, to the professional reader the absence of references is intolerably annoying; and the fact of being able to find out where any particular decision is reported by a toilsome collation of the page he is studying with the "conventional table" at the beginning is productive but of scanty consolation. Another peculiarity in the work is its arrangement, or, more properly speaking, its want of any arrangement whatever.

The first chapter (without any introduction) discusses "Tenant Right"; and this is followed by another bearing the vague title of "Interests in Lands." After this we find chapters on "Easements," "Trees and Fences," "Dangerous Animals," "Water," "Servants," "Conveyance of Horses and Cattle," "Distress," "Husbandry," "Covenants," "Trespass," "Landlord and Tenant," "Tithes," "Contracts and Sales," and "Horses and Cattle." And this completes the treatise—composed on what plan or foundation it would be very difficult to say. The heading of each chapter conveys but little intimation of what is to be found therein. The chapters have no divisions. The paragraphs have no marginal notes. Hence (all these usual aids to the understanding being withheld) there is no medium between reading on consecutively and shutting the book in despair, and it is not wise in an author to drive his readers to such a choice.

As for ourselves, the portion of the work which has chiefly excited our interest is the chapter upon Tenant Right. This is a subject little understood, probably because the means for information are very inaccessible. "Tenant right" is that claim for remuneration which an outgoing agricultural tenant has on his landlord for various operations of husbandry, the ordinary return of which he is precluded from receiving. And as this right is governed entirely by local customs, which are very various and very conflicting in different parts of the country, it is no easy task to acquire a knowledge of the whole of them. In the year 1848, however, much assistance to this end was afforded by the publication of a "Blue-book" on the subject, and this report forms the foundation of Mr. Dixon's account of these singular customs. He did not, however, solely rely upon the sources of information afforded him by the published evidence before the committee, but with a most praiseworthy energy he put himself into communication with the witnesses then examined, and thus got the benefit of their experience and intelligence up to the most recent date. Mr. Dixon appears also to have sought and obtained the assistance of gentlemen in each county well acquainted with the customs prevailing on the farms around them; and these efforts have enabled him to write a chapter which has all the air of being accurate, and which, if accurate, cannot fail to be useful. It will not, it is true, supersede the necessity of calling surveyors to testify in open court as to the customs of their county. No treatise, of whatever authority, could, we are afraid, be substituted for so costly a method of ascertaining the existence of this or that custom, when an action has been brought. But the diffusion of knowledge upon this subject has many advantages, and in particular is calculated to prevent, if not to diminish the expense of, litigation. It would not be interesting to our readers were we minutely to compare the local customs which Mr. Dixon has arranged—placing for that purpose the counties in England and Wales one after the other in their alphabetical order. The chief points in which differences occur seem to be in the time of entry upon farms, and as to the arrangements with regard to the manure and

unconsumed hay and straw on the farm, as between the departing and the incoming tenant. For example, in some counties, Michaelmas is the time for entry; in others, Michaelmas or Lady-day; in others, Lady-day only. Again, in some parts, the outgoing tenant gives up all straw on the premises or in the ground when he leaves; in others, he is allowed to sell to his successor: and, if the latter, the straw, &c., is sometimes taken at a market, sometimes at a consuming price. These, however, are but slender examples of the local customs which exist. To grapple with them successfully, so as to see which of them are common to all parts of England and Wales (and therefore come, in fact, under the class of *general* customs), which of them belong to a number of counties, and which exist in one or two only, would require considerable study, and could not, we think, be achieved successfully without the aid of an elaborate table. Possibly, le jeu ne vaut pas la chandelle!

Of Mr. Dixon's book, however, the chapter on "Tenant Right" forms but a small part, and we proceed to some of the other subjects on which it treats. Here, however, we are immediately met by the difficulty at which we have already hinted. Each chapter contains what we really believe to be a painstaking and conscientious account of the various cases which are to be found in the books upon several points more or less connected with the law relating to farms. Thus it is the law that "where anything is done which substantially amounts to a sale or parting with an interest in land, the contract is for or relating to the sale of an interest in or concerning lands, tenements, or hereditaments, within the meaning of the 29 Car. 2, c. 3, s. 4." So Mr. Dixon tells us at the commencement of his second chapter, intitled "Interests in Lands:" and on this text he proceeds to enlarge, by a minute investigation of those cases in which arguments have arisen as to the effect of that clause of the Statute of Frauds upon agreements under the consideration of the Court. But having exhausted the authorities, we look in vain for any conclusions drawn from them, or for any advice offered to the farmer or general student. It is like a sermon terminating abruptly, without that "practical improvement" which on each Sunday we look for almost as a matter of right, and without which we should return home little edified by the most persuasive eloquence of the preacher. The same defect appears to us to run through the whole work, and it is little comfort that the fault is not a very uncommon one. Authors forget that for the purposes of most of their readers, results are still more important than the manner in which they are attained; and we cannot imagine a more hopeless, and less profitable, employment than for a man to wade through a discussion of cases bearing more or less upon the same subject, dealt with in their chronological order, but without being clearly told what he is to learn from them.

We think that the fifth chapter of Mr. Dixon's book is that which is the least open to the objection above referred to. It is intitled "Dangerous Animals," and the reader immediately perceives, that he is to learn from it the legal consequences of being the owner of animals coming under that description, if they occasion injury to others. But then the worst of it is, that this has nothing particular to do with the law of *farms*. A farmer, no doubt, is especially likely to get into trouble about an insolent bull; but his neighbour, the butcher, may cherish a dog of obnoxious character; and we all know that Lord Byron kept a bear.

But though we think, for the reasons above assigned, that Mr. Dixon has not contrived to produce a work altogether satisfactory, we see in it much promise for the future. In the first place, the idea is a good one. There is no doubt that a want for such a book as Mr. Dixon imagined to himself does exist; and even were this all, it is no small merit to have discovered a vacant spot in a field so thoroughly occupied and so carefully tilled as that of legal literature, dug and sifted as it has been with an industry and zeal surpassing that of California. But this is not all, for the author evidently brings to his task considerable industry and intelligence, as well as much previously acquired information; and we predict for him success in the line he has chosen, if he will only usefully employ the interval which must elapse before he is called upon for a fresh edition. Let him then write an introduction, arrange what he has to say upon some definite plan, and state clearly both the conclusions he wishes his readers to draw, and the bearing they should have upon their conduct in the ordinary difficulties of farming life; and if he will do this, Mr. Dixon will eventually earn from the public much gratitude, and from us a notice more entirely eulogistic than our consciences on the present occasion will allow us to bestow.

Professional Intelligence.

INCORPORATED LAW SOCIETY.

II. New Bills in Parliament. [*Continued from* p. 959.]

Imprisonment for Debt Abolition.—The Bills introduced by Lord Brougham, which have been printed and remain for second reading, are:—1st. The one for abolishing all imprisonment for debt, and inflicting due punishment on fraudulent debtors; to extend the bankrupt laws to non-traders; and to give further remedies to creditors.

Transfer of Jurisdiction of District Bankruptcy Courts to County Courts.—The 2nd. To limit the jurisdiction of the Court of Bankruptcy to 40 instead of 100 miles; to abolish the district bankruptcy courts; to give to the county courts jurisdiction in bankruptcy; to extend the jurisdiction of the county courts to all actions, except for libel and slander; to amend the laws relating to bankrupts, and to give jurisdiction to the Courts of Bankruptcy and County Courts to distribute the estates of deceased debtors.

Probate Act Amendment.—By the 20th section of the Probate Act, such persons as were clerks in the principal registry at the time of the passing of the Act, as well as advocates, counsel, and attorneys, were qualified to be appointed registrars and district-registrars; but the Amendment Bill of the present session proposes that clerks in the principal registry shall be eligible to be appointed registrars and district-registrars, whether they were such clerks at the time of the passing of the existing Act or not. The council have submitted, that the extension of the qualification to all who are now, or may hereafter, become clerks, is uncalled for on public grounds, and unjust towards the profession, the members of which have undergone the test of examination, and have incurred large expenses in their legal education, stamp duties, and admission fees.*

The proctors being entitled within twelve months from the passing of the Probate Court Act to be admitted solicitors in the Court of Chancery, it appeared to the council that such of them as were so admitted ought to be put on the same footing as solicitors, in respect of qualification for commissions to administer oaths in Chancery; and that practice as proctors for ten years should be equivalent to practice as solicitors for the same length of time, and this suggestion having been made to the Lord Chancellor, he has been pleased to order, "that applicants for commissions to administer oaths shall be allowed, in computing the necessary period of ten years, to reckon the period of his practice as a proctor, as if he had been in practice as a solicitor."

Index to Parochial Registers.—The council were requested to consider the provisions of a Bill for providing an index to the parochial registers of baptisms, marriages, and burials in England; and communicated to the authorities their opinion that the proposed alphabetical index of births, marriages, and deaths, from 1751 to the time of the establishment of the general register in 1837, would be of considerable practical utility and importance to the public, by diminishing the expense of, and facilitating the searches made by, solicitors on behalf of their clients, in the investigation of pedigrees and titles to property, involving questions of pedigree, and requiring evidence which now can be obtained only by searches in parish registers, occasioning in many instances much delay and considerable expense; and they thought the benefits to be derived from the index would counterbalance the necessary expense.

With regard to the expense of the measure, the council considered that it should be borne by the Consolidated Fund, and not chargeable on the poor-rates of each parish from which the returns were to be made. The measure is one of national importance, and relates to the general administration of justice, and the evidence of devolution of property; and it will rarely happen that the evidence procured from any given parish register will relate wholly or partly to property locally situate within that parish, or concern persons who at the time of the evidence being required are then its inhabitants or rate-payers.

Graduates' Clerkship.—By the 6 & 7 Vict. c. 73, s. 7, graduates of the universities may be admitted on the roll of attorneys after a service of three years, provided the articles be entered into within four years from the time of taking the degree. The council being requested to consider a proposed

* Objections to the 7th and 24th clauses of this Bill have been printed and submitted to several members of Parliament. The 7th clause has been amended, by requiring a five years' service in the principal registry; and the 24th clause, enabling clerks of district-registrars to practise, has been struck out.

Bill for extending the time within which graduates may enter into articles of clerkship, and having ascertained that attorneys may be called to the bar within three years after striking their names off the rolls, they were of opinion that three years' service by a graduate under articles, without reference to any interval of time between the date of the degree and the date of the articles, should be sufficient. They saw no advantage in continuing the limit of four years, or in fixing any limit within which graduates should be articled after they have obtained their degree.

Common Law Oaths.—The council have renewed their application to the judges of the superior courts of common law for a grant of commissions to attorneys, practising in different parts of London and its neighbourhood, to administer oaths in common law proceedings in the same manner as the Lord Chancellor has authorised solicitors to administer oaths in proceedings in equity.

In answer to their application, the council were informed that it appeared to the judges, having regard to the Act 29th Car. 2, c. 5, too doubtful a matter whether they had power to comply with the request made to them, to warrant their advising the grant of commissions such as thus proposed.

The council had hoped that clauses to confer this power on the judges might have been introduced into some one of the various Bills now before Parliament, and they have used their best endeavours to get them inserted; but for divers reasons the promoters of the several Bills have been disinclined to adopt them; at the same time, the council have received assurances of support, if the measure be made the subject of a separate Bill, and they have accordingly prepared a separate Bill, which has been intrusted to the care of Mr. Bovill. It is too late for the Bill to be passed during the present session, but the council expect that it will meet with no opposition in the next session.

Fees on Oaths, &c.—The council have received from the Law Societies of Birmingham, Liverpool, and Newcastle-on-Tyne, lists of fees payable on the administration of oaths in the various courts, taking declarations, and marking exhibits. These lists appear to be accurate and useful in establishing a uniformity of practice.

Registration of Titles.—The council having considered the report of the commissioners on the proposed registration of titles to land, prepared a communication on the subject, which will be found in the appendix (No. 1).* They transmitted copies of it to the Provincial Law Societies, for distribution among their members and other solicitors, and invited opinions on the subject.

The council have received the opinions of several of the provincial societies, and of individual solicitors practising extensively in different parts of the country. In substance, the opinions expressed are generally opposed to the scheme of the commissioners, although in some of the answers there appears to be an inclination in favour of some modified plan of registration, if it could be made practically useful, and really diminish the expense of investigating titles.

It will be a work of labour; but the council will endeavour to arrange and classify the several statements and arguments which may be brought forward for and against the measure.

III. Practical Amendments.

Delays in Chancery.—The members are aware that in December, 1851, the council, with the aid of several able practitioners in the Court of Chancery, prepared an elaborate report on the defective state of the jurisdiction and practice in equity, and submitted various suggestions to the commissioners appointed by the Crown for the amendment and improvement thereof. Several of their suggestions were adopted and acted upon, but others were not.

In the month of July, last year, the council, again assisted by several eminent solicitors, transmitted to the late Lord Chancellor a full report upon delays and defects still existing in some of the offices of the Court of Chancery, and particularly in the judges' chambers (now substituted for the masters' offices), at the Accountant-General's and taxing-masters' offices. This document is set forth in the Appendix (No. 2).

The council received from the late Lord Chancellor a courteous acknowledgment of the communication, and a promise to give the subject his consideration; but nothing resulted from it down to the time of his Lordship's resignation.

Shortly after the appointment of the present Lord Chancellor, the council submitted to his Lordship the same report which they had previously submitted to his predecessor, and his Lordship was kind enough to receive a deputation from the council on the 23rd May last, for the purpose of discussing the grievances complained of and the proposed remedies.

The several matters of complaint stated in the report of the Equity Committee relating to the judges' chambers, the taxing-masters' offices, and the Accountant-General's office, were brought under his Lordship's notice, and instances of grievances cited in support. During the interview, which lasted for an entire hour, his Lordship gave the most patient attention to the statements of the deputation, and promised to give each subject of the report his serious consideration, and to consult with the other judges of the court.*

Business at the Common Law Judges' Chambers.—With regard to the practice of the common law courts, the council represented to the common law commissioners on judicial business, that, from the experience they had in many of their own offices, and from the communications they had received from other attorneys, it appeared that great loss of time and much inconvenience were sustained in consequence of the limited and uncertain time of attendance at chambers of the judges of the common law courts, especially during term time, and when some of the judges are engaged in the trial of causes in London and Middlesex; and also by the late hour of the day at which during term that attendance usually takes place. The council, therefore, submitted to the commissioners, that improved arrangements should be made for the despatch of this important branch of the business of the courts.

Procedure on Bills of Exchange.—In this department of practice the council also prepared suggestions and reasons for amending the rule or directions given by the judges in Michaelmas Term, 1855, as to the indorsements on writs, under "The Summary Procedure on Bills of Exchange Act, 1855," in order that the interest on dishonoured bills of exchange may be calculated up to the time of signing the judgment, instead of the time of issuing the writ, as required by the indorsements at present authorised; and, in order to bring the proposed alterations before the judges in as correct a form as possible, the council laid the proposed amendments before the masters of the common law courts, and were informed that they saw no objection to the proposed alteration being made, if the judges thought fit so to order. The suggestions have been some time under the consideration of the judges.

Ordinary Summonses.—The council also suggested to their lordships some improvements regarding the issuing of summonses for time to plead, for particulars of demand or set off, and for other ordinary matters in actions at law, on which the judges have not yet given their directions.

Sittings in Term at Guildhall.—It has also been represented that the sittings at Nisi Prius at Guildhall, during Term time, have led to much inconvenience, and it has been proposed that such sittings should be discontinued; and it is yet hoped that the suggestions made, after great consideration, by the council, for the alteration of the terms and circuits, will be adopted, and thereby many delays and inconveniences removed.

Criminal Law Costs.—Complaints having been made by attorneys in the country of the insufficient scale of allowances made by the officer of the Treasury, in taxing the costs upon criminal proceedings at the sessions and assizes, the council caused inquiries to be made, and, in communication with the Metropolitan and Provincial Law Association, settled a proposed scale of costs, which was submitted to the examiners of criminal law accounts appointed by the Treasury; and the Government scale having been found impracticable for the due administration of justice, the present Secretary for the Home Department has advised that a commission be issued to investigate and report on the subject.

Audience of Attorneys in County Courts.—It was represented to the council, that, at one of the county courts, the judge had announced his intention to require for the future that counsel should be employed in all cases where the debt claimed amounted to £20. On behalf of the branch of the profession whose privileges would be injuriously affected if such a regulation was enforced, the council called the attention of the judge to the 10th section of 15 & 16 Vict. c. 54, which provides "that it shall be lawful for the party to the suit or other proceeding, or for an attorney of one of her Majesty's Superior Courts of Record, being an attorney acting generally in the action for such party, but not an attorney retained as an advocate by such first-mentioned attorney, or for a barrister retained by or on behalf of the party, on either side, but without any right of ex-

* For these and the other documents we must refer our readers to the Appendix itself, our limited space precluding their insertion.

* An additional taxing-master has been appointed since the interview with the Lord Chancellor.

clusive or pre-audience, or by leave of the judge for any other person allowed by the judge to appear instead of the party, to address the Court, but subject to such regulations as the judge may from time to time prescribe for the orderly transaction of the business of the Court." And they pointed out that, under this enactment, the attorneys of the parties to a suit in any county court have an equal right with retained barristers to appear and be heard on behalf of their clients, without reference to the amount in dispute between the parties, and that the power of the judge of the court to prescribe regulations is limited to regulations necessary for the orderly transaction of the business of the court. And the council expressed their hope that upon further consideration the judge would see fit to withdraw the announced regulation, and to grant equal audience both to barristers and attorneys in all cases.

The council have the satisfaction of reporting that the judge recalled his intended regulation; but desired to have the opinion of the council whether it would be expedient to confer power on the judges of the county courts (assuming that they do not already possess it) to require that barristers alone shall be heard in all cases where the debt claimed amounts to £20 and upwards. The council replied, that they thought it inexpedient to confer such power, though they quite agreed that in many cases the employment of counsel was of great advantage to the suitors, and of much assistance to the judge; and they would by no means discourage the employment of barristers in cases of difficulty or importance, or in any cases where the parties desire to be heard by counsel; but they thought it should be left to the discretion of the parties to employ counsel or not; and that attorneys should not be prohibited from appearing as advocates for the suitors in county courts in cases where counsel are not retained.

New Rules and Orders.—The following is a list of the Rules and Orders of Court made since the last general meeting, and printed for the use of, and sent to, the members of the society:

In the *Court of Chancery*.
8th August, 1857.—Regulations to be observed in the conduct of business at the Chambers of the Equity Judges.
6th November, 1857.—Orders for payment of Legacy and Succession Duty.

In the *Probate Court*.
Rules and Orders made under the provisions of the Act to amend "The Law relating to Probates and Letters of Administration in England" (20 & 21 Vict. c. 77).

In the *Divorce Court*.
Rules and Orders made under the provisions of the "Act to amend the Law relating to Divorce and Matrimonial Causes in England" (20 & 21 Vict. c. 85).

In the *Common Law Courts*.
12th November, 1857.—Taxation of Costs.
17th November, 1857.—References under Common Law Procedure Act.
25th November, 1857.—Appeals to Superior Courts, under 20 & 21 Vict. c. 43.
30th January, 1858.—Declaration under Bills of Exchange Act.
Judgment Papers.
Forms of Bills of Costs in Actions under £20.

In *Bankruptcy*.
21st August, 1857.—Order made in pursuance of "The Joint-Stock Companies Act, 1856, s. 100."

IV. Concentration of Courts and Offices of Law and Equity.

The late Attorney-General having requested to be furnished with the plans and statements relating to the proposed new courts and offices, the same were immediately forwarded to him, and the council were informed that the subject was under the consideration of the Government, and that the then Prime Minister and the Chancellor of the Exchequer were favourably disposed towards the measure.

The council have since brought the subject under the notice of the present Lord Chancellor and of the Attorney-General, and expect that the removal of the present insufficient and inconvenient courts adjoining Westminster Hall, which must necessarily take place, in order to complete the Houses of Parliament, will compel the Legislature, at an early period, to entertain the question of the erection of new courts and offices, and of the site on which they should be erected.

On the establishment of the new Courts of Probate and Divorce, the council called the attention of the late Lord Chancellor to the expediency of fixing the locality in which those Courts should be held, with a view to the convenience as well of the public as of both branches of the profession. It was urged that the evidence given before two several committees of the House of Commons in 1840, and again in 1845, clearly proved the importance of a concentration, not only of the Courts of Law and Equity, but also of all the offices connected with the administration of justice, in some central situation; that the neighbourhood of the inns of court would be the most convenient site for that purpose; and that the large increase which has since taken place in the number of the courts renders this more strikingly apparent. His Lordship was also reminded, that, on the memorials presented by the bar and the solicitors of the Court of Chancery, he had, for upwards of three years past, held his sittings in Lincoln's-inn—a sufficient proof of the convenience of that position; the proposed site between Lincoln's-inn and the Temple will become still more eligible when the measures now before Parliament are passed for conferring common law jurisdiction on the Court of Chancery, and equitable jurisdiction on the common law courts.*

V. Usages of the Profession.

During the past year the council have had under their consideration several points of professional usage in conveyancing practice, and several of the members of the society have submitted questions for the decision of the council, which did not come within any settled usage, but were dependent upon the circumstances of the case. So far as the usages were deemed to be generally established, they have been entered in the book in the secretary's office.

Amongst other matters it may be mentioned that the restrictions imposed by certain landlords, requiring assignment of leases to be prepared by their own solicitor, have been considered by the council. They were of opinion that such restrictions were objectionable, but not unusual—many city companies and hospitals insisting upon their insertion; and it did not appear to the council that they had any efficient means of preventing the insertion or enforcement of such covenants.

VI. Legal Education and Examination.

Inns of Chancery.—At the last annual general meeting, inquiry was made whether any communication had taken place between the council and the principals of the several inns of Chancery, with a view to their co-operation in the establishment of a college for the legal education of students under articles to attorneys and solicitors. A letter on this subject had been addressed to the principals of the several inns of Chancery in 1854, whilst the Commissioners on the Inns of Court and Chancery were sitting, and when it was anticipated that their report would interfere with the privileges of those ancient societies. The report, however, which was made in 1855, did not make any suggestions relating to the constitution, management, or revenues of the inns of Chancery; but the commissioners recommended the establishment of a "Law University," to be composed wholly of members of, and students for, the bar. This recommendation was noticed by the council in their report of June, 1856, and they are prepared to oppose the proposition, but as yet no step has been taken to carry out the recommendation of the commissioners.

The members were informed by the report of last year that the Society of Clifford's-inn had placed at the disposal of the council an annual contribution of twenty guineas, to be appropriated in prizes to such of the candidates as in passing their examination should, in the opinion of the examiners, be entitled to honorary distinction.†

Honorary Distinctions.—In the distribution of prizes, the council have considered it due to the Clifford's-inn Society to bestow their prize on the candidate who stood highest on the list of the examiners for honorary distinction.

Prizes of books and certificates of merit are limited to such candidates as at the time of examination are under the age of 26 years. In cases of candidates above that age, who pass such examinations as would have entitled them to prizes or certificates of merit, if not disqualified by age, the council are accustomed, by way of encouragement, to inform such candidates, by an official letter from the secretary, that their answers are highly satisfactory, and would have entitled them either to a prize or certificate of merit in case they had been under the prescribed age.

The prizes consist of books, to be proposed by the successful competitors: the council have resolved to intimate to future candidates that the selection must be confined to works relating to the law of the United Kingdom, its colonies and dominions, and the parliamentary and constitutional history of the kingdom, and to jurisprudence generally, including public and international legislation.

University Examinations.—The proposed alterations in the course of study and examination at the universities of Oxford

* One of these Bills has received the Royal assent.

† Since the general meeting, the council have received a letter from the Honourable Society of Clement's-inn, stating, "that the sum of ten guineas will be paid annually to the council of the Law Society for a Clement's-inn prize, to be given in such manner as the council may deem proper for the examination of applicants for admission as solicitors and attorneys."

and Cambridge, as applicable to candidates for this branch of the legal profession, have been communicated to the council, and referred to a special committee.

Examination of County Palatine Clerks.—The attention of the council has been called, by a memorial from several highly respectable solicitors practising at Rochdale, to the want of a due examination of County Palatine articled clerks, before their admission on the rolls of the County Palatine Courts, more especially as, when admitted in the Palatine Courts, their names appear in the general Law List; and there seems no doubt that, although in strictness confined to practise in the local courts, they can, through a London agent (who may be ignorant of their limited authority), take proceedings in the courts at Westminster. The council have, therefore, presented a memorial to the judges to extend the usual examination to the County Palatine Courts.

Attorneys of Ireland.—The draft of a petition from the attorneys and solicitors of Ireland, praying for an inquiry into the constitution, funds, and objects of the King's Inn Society, has been sent to this society; from which it appears that the attorneys and solicitors of Ireland are subjected to special grievances, which they propose to bring under the notice of Parliament, with a view to the appointment of a royal commission of inquiry.

Candidates Examined.—During the last four terms the candidates examined have been 361; and of these 293 were passed, and 68 postponed.

Eight prizes have been awarded to the 1st class of candidates, and 17 certificates of merit to the 2nd class. The names of both classes of candidates are stated in the appendix (No. 3), and the offices where they served their clerkships.

Proposed Classical Examination.—On the subject of improving the general and professional education of this branch of the legal profession, a deputation from the Metropolitan and Provincial Law Association attended the council in January last, and suggested—

1. That to the subjects for general examination mentioned in the annual report of the council of the 28th of June, 1855, viz. "English History, Geography, the Latin and French Languages, Arithmetic, and Book-keeping," should be added "English Composition."

2. That such examination should take place before entering into articles of clerkship.

3. That the existing rules should be modified so as to allow of an examination in one or more of the several branches of law, at different periods, during the service of articles of clerkship.

4. That the questions for the legal examination should, to some extent at least, be founded on standard books, of which an annual notice should be duly given.

5. That a classification be made of the candidates at the legal examination, according to their merit, to a larger extent than that which is at present adopted.

The various details of the proposed new regulations have been frequently considered by the council and the special committee, but much difference of opinion prevails as to some of them.

VII. Complaints of Malpractice.

During the past year, the complaints of malpractice made against attorneys and solicitors have been numerous. Upwards of twenty cases have been brought before the council. Some of them, however, were not within the province of the society, consisting of allegations of neglect and delay, for which the aggrieved parties have an obvious remedy by the change of the solicitor, or an action for damages. Other cases have been investigated, and the evidence found insufficient; but the council regret to say three of the accused attorneys have been struck off the rolls, and the cases of four are still under investigation.

An erroneous opinion has prevailed amongst some of the magistrates, that it is within the province of the council to proceed by way of indictment against attorneys for criminal offences, at the expense of the society. The members are aware that whenever an attorney has been guilty of gross malpractice, the council apply in a summary way on affidavits to strike him off the rolls, or suspend his practising; but where the offence is an indictable one, the superior courts will not interfere in a summary manner, but require a conviction to take place, and upon such conviction the society then applies to the several Courts to remove the name from the rolls. It would be a great burthen on the funds of the society to undertake the prosecution of all offences committed by attorneys, and would involve the necessity of employing a competent staff of persons skilled in that department of practice.

Encroachments on the Profession by Unqualified Persons.—Under this head it may be noticed, that the council have had under their consideration several cases in which accountants, agents, and the clerks or officers of loan or trade protection societies, have been charged with conducting business, properly belonging to attorneys and solicitors. In some of these cases, where the unqualified person has prepared deeds and instruments prohibited by the Stamp Acts from being drawn except by duly qualified practitioners, the council have submitted the evidence to the Solicitor of Inland Revenue, with a view to a prosecution for the penalties. But it frequently happens that although the business is of a nature usually transacted by solicitors, yet it does not require any proceedings to be taken in any court of law or equity, and in such cases no prosecution can be supported.

Renewal of Certificates.—The affidavits in support of applications for the renewal of annual certificates, after the expiration of twelve months, have been numerous each term, and duly considered. For the most part, the question for the judge is, whether the applicant has in any respect practised since the expiration of his last certificate; and, if he has done so, he is ordered to pay the arrears of duty and a fine. The lists of these applications, as well as of candidates applying to be admitted, are printed by the society, and sent to the provincial law societies, and posted in the law offices. In some of these cases, where the affidavits have been defective, suggestions have been made to the judge calling for amendment or rejection.

VIII. Affairs of the Society.

State of the Funds.—The receipts and payments on the part of the society during the year 1857, and the state of its debts and assets, appear in the auditors' report, which has been placed in the secretary's office, according to the bye-law, for the inspection of the members, from 15th April last. It has not been usual to print the annual account in detail; but it may here be stated,

That the receipts for entrance fees and subscriptions of members, the subscriptions to the lectures and library, the examination and registration fees, and rents of strong rooms and arbitration rooms, amount to	£6,503
And the payments for books, lectures, printing, rates, taxes, law expenses, insurance, salaries, house expenses, including those arising out of the examination and registration, and the interest on loans, amounted to	5,022
Leaving a surplus of income over expenditure of ..	£1,481

Out of which the council have made several payments on account of the new building.

The auditors' account also shows that the purchase-money of £6,700 received from the Law Fire Insurance Company was paid over to the bankers of the society, in reduction of the loan to defray the expense of the new building.

The New Building.—The various works connected with the new building are now completed, with the exception of the improvements to be effected in the north wing and the middle library, by which the light will be greatly increased, and solar gas lights, like those in the hall and the south wing, will be placed in the roof.

The several departments of the institution may be briefly described as follow:—

In addition to the great hall, an improvement has been effected in the vestibule, a corridor has been formed on the south side of the hall, leading to the new council-room, the secretary's office, and the arbitration rooms; there are also two waiting or conference rooms adjoining the hall, appropriated for the use of the members.

The north and south wings of the library, for the exclusive use of the members, contain parliamentary works and public records, county history and topography, genealogy, heraldry, and miscellaneous works.

The middle or law library comprises the statutes, reports, digests, treatises, and other works relating to the law. The articled clerks of members are admitted as subscribers to this part of the library.

Five rooms, with a waiting-room for witnesses, are provided for meetings of arbitrators, creditors, law associations, and other professional purposes. The terms for letting the strong rooms and arbitration rooms are stated in the appendix (No. 4).

There are eighty-eight fire-proof rooms and closets for the deposit of deeds, &c., with an office for the examination of deeds. Boxes also are provided for members, in which they may deposit their papers.

Lectures.—The several courses of lectures have been continued in the hall: those on Equity and Bankruptcy, by Mr. Freeman Haynes; on Conveyancing, by Mr. James Pearse Peachy; and on Common Law and Criminal Law, by Mr. Richard Edward Turner. The attendance at these lectures by articled clerks has been larger than for several years past.

The council have received several donations for the library during the year, especially from Mr. Austen, Mr. R. Bloxam, Messrs. Bower & Son, Mr. Braithwaite, Mr. W. D. Cooper, Mr. E. Cox, Mr. T. F. Craig, Mr. Greenwood, Mr. Haynes,

Mr. Hemings, Mr. Herbert, Messrs. Janson & Co., Messrs. Lake, Messrs. Lowe, Mr. H. E. Mawe, Mr. H. L. Prior, Mr. Sassom, Mr. J. R. Taylor, Mr. F. M. White, Mr. T. C. Wright, and the Law Society Club.

These donations, with the purchases made by the society, have increased the collection to 13,487 volumes.

The council have been favoured with a communication from the Colonial Secretary, stating that, in pursuance of instructions which had been issued to the governors of colonies, they would send home, wherever practicable, complete collections of their present laws, and the ordinances which may be passed in future, for the use of this society. The laws and ordinances of a considerable number of the colonies have already been transmitted and placed in the library of the society, to which they form a valuable addition. The council have expressed their grateful appreciation of the liberality and kindness of her Majesty's Government, and of the Colonial Secretary in particular, in this considerate attention to the interests of the society, and of the profession of which it is the representative.

Vacancies in the Council.—The council have deeply to regret the decease, since the last annual meeting, of three of their highly valued and much-esteemed colleagues in the council, namely, Mr. Lavie, Mr. Kinderley, and Mr. Sudlow, to all of whom the society was greatly indebted for the continued exertions they bestowed for the welfare of the institution, and the interest they took in promoting its objects and advantages. Intimately associated with them during many years, in the discharge of their common duties, the council have had the best means of estimating their worth, and they are painfully sensible of the loss which their own body, the members of the society, and the profession in general, have sustained by their deaths.

Number of Members.—During the past year, 82 members of the society have been elected; and, after deducting the deaths and retirements of other members, the number is now 1292 in town, and 350 in the country, making altogether 1642.

With regard to the country members, dispersed over various parts of the country, in 200 cities and towns, it may be remarked that there are nearly 1,000 other places where attorneys and solicitors are in practice, but in which the society is unrepresented by any member. It would promote not only the interests of the society, but of the profession in general, if the London agents, who have clients in the more important towns, would induce some of those gentlemen to join the society; and, whilst adding strength to the institution, their influence would remove the erroneous impression which still prevails in the country, that the council bestow more attention on the measures which affect the London practitioner than those which concern their brethren in the country, and satisfy them that the Incorporated Law Society of the United Kingdom has no other object in view than the promotion of the true interests, and the protection of the just rights, of the whole body of attorneys and solicitors, wherever practising, in the discharge of their important and responsible duties to the community in general.

Address to the Lord Chancellor.—Before closing their report, the council would mention that on the elevation of Sir Frederick Thesiger, now Lord Chelmsford, to the high office of Lord Chancellor, the council, considering that he was Attorney-General on the granting of the new charter of the society, in 1845, and had been its leading counsel for many years, and on all occasions had bestowed great attention on cases affecting the interests of the society, and the character and station of this branch of the profession, deemed it right to tender to his Lordship their respectful but most hearty congratulations on his elevation to the highest office in the profession of the law.

The council were favoured with a most gratifying answer to their address, in which his Lordship was pleased to consider himself a fellow-worker with the council, in maintaining the character and honour of the profession; and expressed his opinion that nothing had contributed more to this desired end than the establishment of the Incorporated Law Society.

Metropolitan and Provincial Law Association.

The annual conference of this society has been held in Bristol during the present week, and numerously attended.

On Tuesday morning the general meeting was held in the lecture hall of the Athenæum, under the presidency of Mr. Arthur Ryland, of Birmingham.

After the transaction of some formal business, the Chairman delivered the following address:—

"Gentlemen,—Before I enter on a review of the proceedings of the committee during the past year, which, according to one of the regulations governing these meetings, is the first duty of the chairman, you must allow me a few words upon our annual provincial gatherings—our aggregate meetings, as they are called. Having had the satisfaction of suggesting the introduction, at these meetings, of original papers and discussions, after the manner of the British Association, it is to me a peculiar gratification to be able to congratulate my fellow-members on the entire success of the change. We have held three meetings upon the new plan; and the transactions of these meetings form a goodly volume, and one of great value and interest. The number of papers read, in addition to the addresses by the chairman, has been twenty-four; of these, seven have been on subjects immediately connected with the position of attorneys, including the all-important subject of legal education; eleven on suggested amendments of the law; two on certain recent statutes; two on the consolidation of the statutes; one on a point of conveyancing practice; and one on the history of the Court of Chancery. It is highly satisfactory to remark that in none of the papers so read, nor in any of the discussions to which they gave rise, did any narrow view of the *pecuniary* interests of attorneys find a place. Both the writers and the speakers appear to have been animated by the single desire, in reference to professional studies, to improve it by means of a *higher education*, rather than by legislative aid; and, in reference to law amendment, to promote the *general* good without regard to the effect of the proposed amendments on professional remuneration. Let these meetings be well supported by a succession of good papers and by intelligent and increasing audiences, and our association will take rank amongst the learned societies of the kingdom, and we shall do more to raise the status of our branch of the profession than any Act of Parliament can do for us. With respect to the proceedings of the committee during the past year, the report which was issued in April last has already informed you of much that they had done up to that month, and it would be tedious and unprofitable to travel over that ground again. I must, however, refer to one, and perhaps the most important of the subjects there mentioned; I mean the education of articled clerks. You will recollect that at our last year's meeting at Manchester, a resolution was passed expressing our regret that the Incorporated Law Society had not yet dealt with that subject, and directing the committee to confer with that society, and to take such further steps as the committee might deem necessary. In consequence of that resolution a conference was held between the council of the Incorporated Society and a deputation from your committee, of whom I had the honour to be one. On that occasion the deputation urged upon the council the "importance of taking immediate steps to introduce some specific improvements in the existing system of examinations now conducted by the council." After calling its attention to the steps already taken—beginning with the recommendation of the Select Committee of the House of Commons in 1846, and noticing those parts of the reports of the committee of this association which relate to the subject from 1848 to 1857, and some of the papers read at our annual provincial meetings, and the resolutions adopted at those held at Liverpool and Manchester, and observing upon the hopeful notice of the subject in the report of the council of the Incorporated Society—the deputation submitted certain suggestions, which are shortly stated in the report of April last. Before these suggestions were so made, much consideration was given to the subject by your committee, and the result was embodied in a carefully prepared statement, which I could wish every member of the association to read. In that statement the nature and provisions of the university middle-class examinations were gone into at some length, in order to show their applicability to examination before articles. This admirable scheme, which, since the date of that conference, has come under our notice in actual operation, will, I think, be admitted by all to be peculiarly well adapted to the end in view; and I trust it will encourage the council to grapple with this part of the subject. I do not know whether the opinion of articled clerks would have any influence with the council, but I have had placed in my hands during the last few days a communication from the Birmingham Law Students' Society, containing, amongst other suggestions on the subject of the examinations, a strongly-expressed opinion in favour of an examination before articles, and reference is there made to the university middle-class examinations as a test which might be advantageously adopted. The views urged upon the council of the older society by your committee

were favourably received, and we left the conference in the expectation of being able to announce to this meeting the adoption of a scheme founded upon them; but no communication on the subject has yet been made to your committee. Knowing, as we do, that the views entertained by this association are fully shared by some of the leading members of the council of the Incorporated Society, it is to be feared that some considerable difficulties stand in the way of their adoption. I trust, however, if such be the case, that, with a little further pressure from without, they may be speedily overcome or removed. If it should be thought that your committee might have done more than they have done on this subject, it must be borne in mind that much was said at Manchester of the propriety of not interfering with the Incorporated Society, to whom this work especially belongs. The responsibility of doing more than urging that society to take active steps in the matter must, I think, be with this or some other general meeting of the members of the association.

In reference to the legislation, or attempted legislation, of the last session in connection with which your committee took any proceedings, I will first mention those Bills which did *not* pass. These were Lord St. Leonards' two excellent Bills: one, "To simplify the title and transfer of real and personal estate, and to render the titles of purchasers more secure;" the other, "For the protection of trustees, executors, and administrators acting bonâ fide in the discharge of their office." The objects of these Bills were proposed to be effected by making twenty years' title from a purchase a bar to all the world—by enacting that no judgment should affect land as to a bonâ fide purchaser for valuable consideration, unless a writ of execution had been executed before the completion of the purchase; that no lis pendens should affect a purchaser without actual notice; that the receipts of trustees for sale should exonerate purchasers from seeing to the application of the purchase-money; and by making it a misdemeanour for a vendor of land to conceal any deed or falsify a pedigree. And as to trustees, the Bill proposed to hold harmless trustees acting bonâ fide in technical breaches of trusts; for acts under powers of attorney where they have acted under counsel's opinion; for omissions to do acts where no culpable negligence exists; for distribution of assets after notice; and a simple means was provided for obtaining the direction of an equity judge. Lord Cranworth's Bill, "To facilitate the sale of land" by importing the Incumbered Estates Bill machinery: and Lord Goderich's Bill for the "Registration of Partnerships;" which proposed to render it imperative on all firms to make known to the world the names of the partners comprising the firms, so as to remove the present anomaly of the law, which requires suits against firms in the superior courts to state all defendants' names, whilst there is no means of obtaining them with certainty. With respect to the last-named Bill, your committee suggested that registration should be with the registrar of joint stock companies, and not, as proposed in the Bill, with the superintendent-registrars of births and deaths. Those which did pass, and on which your committee petitioned Parliament, were the "Chancery Amendment Bill," and the "Bill to amend the Law relating to Cheques on Bankers." In reference to the latter measure, your committee suggested a clause empowering holders of cheques crossed without any banker's name being specified, to add to the crossing the name of some banker. This was adopted, and forms part of the statute. The Chancery Amendment Act is a very important measure, not only because it will simplify and otherwise improve modes of procedure, but because it is based on the principle, that the Court before which a matter is brought in the first instance shall finally determine it, instead of sending the parties to another Court, as heretofore. This fusion of law and equity, as it is called, has been advocated at some of our meetings; the gradual introduction of it by such Acts as that to which I have referred would appear to be a wiser mode of reform than any sudden and sweeping change. I would recommend to the notice of those who have not already read them, the very excellent remarks on this statute, which appeared in the *Solicitors' Journal* of the 4th of September last, under the head of "Legislation of the Year." The object of the Act is twofold—to enable the Courts of Chancery in England and Ireland, and in the County Palatine of Lancaster, to award damages in certain cases in which they have hitherto had jurisdiction only by injunction or decree for specific performance; and, also, to ascertain questions of fact in any suit in their own courts, instead of sending them to be tried before a common law judge at Nisi Prius. This is to be done by a jury summoned before the Court of Chancery, or by the Court without the assistance of a jury. The Court may, if it see fit, refer the assessment of damages to a jury before a judge at Nisi Prius, or the sheriff. Your committee in their petition suggested that the mode of taking evidence should be clearly defined, and urged that a jury ought to be summoned in all cases, unless both plaintiff and defendant should state in writing that they desire to dispense with a jury. It is much to be regretted that Parliament did not adopt this latter suggestion. It appears to me a great error to do anything that has a tendency to bring this admirable institution into disuse. It is well observed in the note on this Bill in the *Parliamentary Remembrancer*, that the jury system "secures the careful consideration of a matter from the different points of view by several minds, in contradistinction to deciding it summarily according to the single point of view of one mind." As the Bill was originally drawn a jury was essential. How the alteration was made I know not; but it was contrary to the opinion of the greatest authorities in the House of Lords. Lord Brougham objected to the judge having the power to decide whether there should be a jury, without the consent of the parties. Lord St. Leonards went further, and would not have a jury dispensed with under any circumstances. The Lord Chancellor observed that those who were accustomed to investigations in our courts of law were perfectly aware that no more important aid could be given to a judge upon any question, and especially upon any question in which the assessment of damages was involved, than was derived from the assistance of a jury. And his Lordship mentioned a remarkable case which had come before the Lords Justices, in which the parties to the suit were completely at issue with respect to the facts. The Lords Justices had the parties in open court, where they were subjected to a viva voce examination. The result had been, that the Lords Justices had found themselves quite perplexed by the conflicting testimony. They had eventually determined to send down an issue to be tried before a common law judge and a jury, and the upshot had been, that the jury found no difficulty in coming to a conclusion in favour of the truth of the statements of one of the parties. The verdict had been perfectly satisfactory, and although in opposition to the interests of the persons for whom he (the Lord Chancellor) happened to be the advocate, yet he could express his concurrence in its justice. The opinions of these great authorities must encourage this association to maintain on all occasions the principle advocated by the petition of its committee on this Bill: and it will be well to watch the working of the Act in reference to this point, with the view of obtaining its amendment if need be, by a recurrence to the form of the original Bill. The Probate Court Amendment Act also engaged the attention of your committee. In conjunction with a deputation from the Manchester Law Society, they succeeded in obtaining the withdrawal of a proviso which would have enabled district registrars to practise as agents in their own courts. Upon this subject your committee received communications from several Provincial Law Societies, amongst whom there was a unanimity of opinion.

"The scale of costs on criminal prosecutions having been referred by the Government to a Commission, your committee has submitted the scale prepared by them jointly with the council of the Incorporated Law Society to the Commissioners, and have requested Mr. W. H. Palmer to represent the views of the association to that body. This question is of even more importance to the public than it is to the attorneys, as an inadequate allowance, such as was introduced by the late Home Secretary, Sir George Grey, would greatly impede the prosecution of criminals.

"Of the questions of practice which have been submitted to the committee during the past year I will mention two: The question in one case was, "To whom should deposits on sales by auction be paid?" The committee having conferred with the secretary of the Incorporated Law Society, adopted the recommendation which the society made some years ago, namely, "that the deposits should be paid to the auctioneer, who should immediately after the sale pay the same into a bank to be named by the vendor in the conditions of sale, in the joint names, and subject to the joint order, of the vendor and purchaser, or their nominee, and at the vendor's risk." In the other case the question was, whether a vendor was bound to attend personally on the completion of a sale, so that the purchaser's solicitor might attest his execution of the conveyance, and pay the purchase-money into his own hands. This question was submitted by the solicitors to one of the parties in the suit of *Viney* and *Chaplin:* the committee declined to express an opinion because the question was not submitted to both of the parties interested. It will be recollected that *Viney* and *Chaplin* has decided that a solicitor, merely by virtue of his office, is not entitled to demand payment of purchase-money, even though he has possession of the deed, with receipt

indorsed, duly executed. He must have some authority beyond this. I mention these two cases, because I think it may be advantageous to bring under the notice of the members assembled at our aggregate meetings any important points of practice which may have been submitted to the committee, and thus the judgment of that body may undergo the ordeal of their constituents' criticism, and if approved may be generally adopted by the profession, and if not approved may be reconsidered.

"Bearing in mind how indignantly we have complained of the injustice of the exclusion of attorneys from commissions of the peace for boroughs, it cannot be out of place to notice the fact, that the present Lord Chancellor has shown himself to be superior to the narrow prejudice of his predecessor on this subject, in the appointment of two practising solicitors as justices of the peace for the borough of Liverpool. Although the appointment is made by the Chancellor of the Duchy, I presume it would not have been adopted by the Government unless the Lord Chancellor approved of the selections. The Liverpool Law Society, alive to the importance of this step in the right direction, very wisely and gracefully expressed their satisfaction in a memorial to the Chancellor of the Duchy.

"To the important and deeply interesting subject of registration of titles, the committee has given much and anxious attention. In December they issued a circular to the members, giving an analysis of the report of the commissioners, and pointing out the desirableness of a unanimous expression of opinion by the profession as to the necessity of "fresh regulations on the subject of professional remuneration forming a portion of the scheme if adopted," and observing that it would be a subject of much regret if it should again prove necessary for the association to refrain from expressing an opinion on the scheme itself. This circular was accompanied by a request that members would communicate to the committee their opinions on the subject. I am sorry to say that we have to regret the state of things deprecated in this report; for the replies evinced such conflicting opinions that the committee felt bound to refrain from taking any steps in the matter, and to leave the question in the hands of individual members. Let this recognition of the rule that the committee does not speak or act in those cases where the members of the association are greatly divided in opinion on important questions, be borne in mind, when charges or insinuations are made, that the committee does not sufficiently regard the voices of both classes of their constituents. This question of registration is just one upon which the association might have been fairly expected to offer some valuable suggestions; and I hope they may yet do so. I am sorry that amongst the papers about to be read there is not one devoted to this subject, for I cannot but think that a good discussion of those points on which we are at present divided, might bring our opinions more into harmony, and so enable the committee to offer some suggestions to the association.

"At the annual general meeting, held in April last, the auditors presented a report, calling attention to the fact that the expenditure of the association had exceeded its income during each of the last three years, and especially during the last year. Nevertheless, it appeared by the same document that the income for the year ending April, 1858, exceeded that of any of the nine preceding years; and this notwithstanding a great falling off of the subscriptions in the Northern Circuit. This report has had the serious and anxious attention of the committee. Arrangements have been made, by the liberality of Mr. Shaen, which will reduce the expense of the secretariat during the current year £100. The subject will be further dealt with in December, when the engagement of the assistant-secretary will cease, and it is intended to effect a still further reduction for the future. The auditors drew attention to the expenses of printing; this has necessarily increased, from the printing of the papers read at our aggregate meetings. It is to be hoped that these reports will not be discontinued. Such a step would, I think, operate injuriously. Probably more condensed reports, and more economical management in this respect may meet the difficulty.

"It would not be right to omit from a review of the last year's proceedings, all mention of certain expressions of dissatisfaction which the committee have received from some members of the association. Painful as it is to receive such evidences of dissatisfaction, yet, when any such feeling exists, it is only fair to the committee that it should be frankly stated. In these cases, however, it would have been more just if the complainants, before they either left the ranks of the association, or publicly denounced the committee, had given that body an opportunity of refuting or explaining the charges. In both cases, the allegations against the committee were altogether erroneous. One charge was, that the committee pursued a centralising policy; and, in support of that charge, reference was made to an occurrence as far back as 1851, when, it was said, the committee supported Lord Campbell's Registration Bill—which, in fact, they actively opposed. The other charge was founded not on anything done by the committee, but on something written in a newspaper assumed to be under the control of the committee—an assumption contrary to the fact. I trust that the members to whom I have referred are now satisfied that the committee did not merit their strictures; and I should not refer to these unpleasant passages in the year's history, but that I feel that in these, as in all other matters, we should not lightly pass over our painful experiences; rightly used, they may become our best monitors. These complaints, although groundless, grew out of the recognition of a sound principle, namely, that in the management of the affairs of a community a due regard must be paid to the various classes of which it is composed; that it is essential to the welfare of this association that both country and London solicitors be thoroughly represented; to this, I am sure I may say every member of the committee cordially and unreservedly assents. And I can say, from an intimate knowledge of the working of the association, that it has never been departed from, in the slightest degree. The circumstances to which I have alluded will no doubt serve to impress future committees with the necessity of a continued and strict adherence to this rule; and to the members they should serve as a warning not to act precipitately in adopting as facts mere appearances or insinuations, and also as inculcating this duty, especially upon provincial members, namely, to lose no opportunity of bringing within our ranks those solicitors who are not at present members of the association.

"I have, on more than one occasion, heard the charge of "centralising" brought against our body. A catchword is a most mischievous instrument, often taken up thoughtlessly, and with some minds has more influence than argument. The application of this catchword "centralisation" to our society, is absurd. No one can feel more strongly than I do the evil of what is called "centralisation;" but that is the system which would place in the hands of a few irresponsible persons powers for the government of a community, so as to check the activity and responsibility of its members. Such is not our constitution. Our success will be in proportion to the individual energy and activity of the members. In every society, including those which are the very antipodes of centralisation, it is necessary to have a central committee, and a central place of business; and it is simply absurd to say, that, because we possess these necessary modes of action, we are open to this charge.

"I have noticed those occurrences in our year's history which are of a permanent character—others of a temporary interest, but not unimportant, I pass over; and I now come to the last subject on which I shall trouble you with any observation; it is one which I fear may be too tedious to those who habitually attend these meetings; but the fact that our roll of members includes but a small minority of the practising solicitors, appears to render it necessary to devote a few moments to consideration of the claims which our association has for a more extended support. There are two facts which, in my view, lead irresistibly to the conclusion that these claims cannot be disregarded by any who believe that to live in a civilised community brings, with its many social advantages, imperative social duties. First, there are in England more than 10,000 practising attorneys and solicitors, whose vocation it is to assist in the administration of the laws; they are officers of the courts, and necessarily profess a more intimate acquaintance of the machinery of those courts, of the good or bad working of the laws, than any other class of the community; and secondly, Parliament is engaged during a portion of every session in altering this machinery, and the work to which it is to be applied. Many senators, who are profoundly ignorant of its construction, hesitate not to devise and insist on alterations in it to the great disturbance of its workings. Now shall these 10,000 legal engineers stand idly by, and raise no warning voice when dangerous changes are threatened—shall they, with a certain knowledge what repairs or additions are necessary in order to meet the changing requirements of the community, shall they be silent and see ignorance working mischief? No, it would be treason to public duty; for there is a duty which our body, like every other special class in the nation professing peculiar power to promote the common welfare, owes to the public. Then arises the question, How can we best discharge this duty?—and to this, the records of our society supply a complete answer. One of the objects it proposes to itself is, to do this very thing; its history shows that it has not been unsuccessful; its voice has not unfrequently been heard

and listened to in Parliament. And if we bear in mind that the voice of our association is powerful, not only, nor chiefly, because it is an aggregate of many voices, but because it declares opinions founded upon the collection and comparison of facts and observations made by a numerous body of men who possess extensive opportunities and practised habits of observation, we shall perceive how important, how essential, it is that we should give to the society our hearty support, and this support must comprise something more than mere subscription; what I understand by it is, the taking a part in the proceedings of these meetings, the being ready to communicate on all fitting opportunities with the committee, and the obtaining new members. There are often considerations which come in aid of this argument in favour of the association. Men cannot associate for so high and good an object without collateral results, which in themselves are so excellent as to form cogent arguments for the union which has produced them. Such is the history of our society; for have we not been mindful of the wants of such of our members as may fall into poverty, in the establishment of the Solicitors' Benevolent Association; and also of the duty we owe to those who are our pupils, and will be ere long our fellow-labourers or successors in our efforts to obtain an improved legal education? Nor have we been unmindful of what a proper self-respect demands at our hands in our protest against the unmerited exclusion of our branch of the profession from offices of honourable distinction, and in resisting the efforts continually made to deprive us of a fair remuneration for our labour and responsibilities. Another agreeable result is, the friendly and intimate intercourse it promotes between fellow-practitioners, who might not otherwise meet; and how very agreeable this result is, many of us can bear sincere testimony. Let us cultivate, let us strengthen this union, for not only is it agreeable, it is an important element to the success of our organisation, and especially important is it in reference to town and country, or rather I should say, metropolitan and provincial members. Any separation of these two marked divisions would be fatal to our success. As a provincial solicitor, I feel impressed with this truth. It is obvious that the metropolitan solicitors could do without us much better than we could do without them. I do not believe that the provincial solicitors could form a coherent body without the metropolitan element; they are the cement which gives us cohesion; and yet, from the deference which has uniformly been shown by the London members of the committee to the opinions and wishes of their provincial brethren (I speak from my own experience), one might suppose that the provincial members were the more important branch. Let this mutual cordiality be cherished by every one of us, both for its own sake, and for the promotion of our common object, to which it is essential. It is very important to thoroughly understand what can or may be said in opposition to any scheme previously to our urging its claims upon such as have not hitherto recognised them; by this course we test our own convictions, and are much more likely to succeed in persuading others to adopt them as theirs. There are two objections which I doubt not we have all met with, but which it is not difficult to answer: One is, that ours is a centralising body; the other is, that the ground taken by our association was, before our establishment, and still is, occupied by the Incorporated Law Society. The first objection I have already observed upon. The second objection has more show of reason in it, and for a time it made me pause; but what I heard from our late excellent president, Mr. Cookson, himself a distinguished member of the Incorporated Society, and from our able secretary, Mr. Shaen, at former aggregate meetings, satisfied me that each of the two societies has its distinct duties—that if the younger ceased to exist certain important work would go undone. Apart from argument—is it not enough to point to the fact that some of the members of our committee are leading members of the council of the elder society, and that the two work together in perfect harmony? In conclusion, let me urgently press on your attention during the coming year this view of the matter: we owe a duty to the public as members of a class possessing a peculiar knowledge available to the public good—this association is the best, if not the only, way open to us for discharging this duty; and that therefore we must give it our earnest and hearty support. And if there be any who do not admit the validity of my argument, to them I say, can you point out any other means so powerful as this association affords for maintaining and improving the status of our branch of the profession, and for protecting its rights and interests? If not, then use your earnest and persevering endeavours to obtain for it a more extended support."

A discussion, introduced by Mr. Alfred Cox, of Bristol, then ensued, in which Mr. Jenkins, of Liverpool, Mr. Hope Shaw, of Leeds, Mr. Payne, of Liverpool, Mr. W. Ford, of London, Mr. H. A. Palmer, of Bristol, Mr. J. M. Clabon, of London, Mr. Denison, Mr. Shaen, the secretary, Mr. W. O. Hare, of Bristol, Mr. Anderton, of London, Mr. Page, Mr. L. O. Bigg, of Bristol, Mr. T. Kennedy and Mr. Rose, of London took part; and ultimately a resolution was passed earnestly pressing on the council of the Incorporated Law Society, to proceed with their efforts for improving the education of law students.

The next business was the selection of the place for the next annual meeting. On the motion of Mr. Anderton, seconded by Mr. Rose, London, was unanimously adopted.

A paper on "The Corrupt Practices Prevention Act Continuance Bill of last Session," by Mr. J. M. Clabon, was then read and discussed.

At one o'clock the members paid a visit, by invitation, to the Council House, where they were received by the mayor, town clerk, city solicitors, and other civic functionaries. They afterwards returned to the Athenæum, where an elegant luncheon had been provided, in one of the committee-rooms, by the Bristol Law Society.

On resuming the sittings of the conference, papers by Mr. James Livett, of Bristol, "On some Difficulties in the Law of Property, which may be remedied;" by Mr. T. Kennedy, of London, "On Chancery Procedure General Orders;" and by Mr. W. Ford, of London, "On the Evils arising from the Publication of Notices of Bills of Sale and Judges' Orders by Trade Protection Societies"—were read and discussed; and shortly after five o'clock, the meeting was adjourned till the following day.

In the evening a grand banquet took place in the hall of the Society of Merchant Venturers.

A report of the papers read and of the proceedings of the subsequent meetings will appear in our next number.

Solicitors' Benevolent Association.

The first provincial meeting of this association was held on Wednesday last, in the Lecture-hall of the Athenæum, Corn-street, Bristol, under the presidency of the Chairman, James Anderton, Esq., of London.

The Chairman opened the proceedings by calling on

Mr. Eiffe, the secretary, to read the report, which was as follows:—

Your directors avail themselves, with great pleasure, of the occasion afforded by the annual meeting of the "Metropolitan and Provincial Law Association" at Bristol, to invite you to receive, in that ancient city, their first report upon the progress of your newly-organized Benevolent Society; and they congratulate the solicitors of Bristol upon an occasion which thus associates the name of their city with the growth of an institution destined, it is hoped, to attain a position of prosperity and usefulness in connection with the profession.

In reviewing the labours which have engaged your directors since you committed the society's affairs to their charge, as well as the results which, thus far, have been secured, they believe they may with reason be satisfied and encouraged.

Much of their labour has been of that preliminary character which is inseparable from the first formation of every new undertaking. In common, also, with the supporters of other charities, they have had to regret the existence of that commercial inactivity which has so unhappily distinguished the present year, and which, communicating its effects to the professional world, has temporarily retarded the advancement of your society; but your directors trust and believe, that when those commercial difficulties shall have passed away, it will be found that there has been created for this association a widely-spread interest, which, with improved national circumstances, will bear a more abundant harvest of success.

Your directors beg to submit the following statement, which shows briefly the condition to which the association has attained, and the present state of its financial resources:—

There are now 254 solicitors enrolled as members of the association, 100 of whom are provincial members, and 58 metropolitan; 140 are life members, and 114 are annual. Four gentlemen have enrolled themselves both as life and annual members.

The total amount of members' subscriptions received, including the entrance fees paid by annual members, has been	£1655	17	6
And donations from persons not members of the association, with interest on bank account	15	8	2
Making a total of	£1671	5	2

Of this amount, your directors have invested the sum of £1000 in the purchase of £1034 5s. 2d. Three per Cent. Consols, in the names of your trustees, Messrs. John Hope Shaw, Edward Banner, James Anderton, and William Strickland Cookson.

The expenditure of the society to the present time has been as follows:—

Printing, stationery, and office requisites	£106	9	7
Postages and incidental charges	95	15	11
Advertisements	14	9	6
Secretary's salary	28	17	6
Total	245	12	6

There remains with the Union Bank of London, the bankers of the asso-

claims, a balance of £425 12s. 8d. in favour of your society; and there is still the sum of £30 13s. due from members who have not yet paid their subscriptions.

In connection with this statement, your directors would observe, that such a result of their partial, and as yet unfinished labours, affords an encouraging earnest of what may be achieved by persevering efforts in the future.

The great importance of keeping the association prominently before the profession, and the labour entailed in canvassing for that widely-spread support which is so essential to its success, appeared to your directors to call for the appointment of one salaried officer, whose whole time and energy should be devoted to that object. Your directors therefore engaged the services of a secretary, to conduct, under their supervision, the business of your society. Beyond the necessary charges for printing, stationery, postages, and advertisements, this has been the only expense which has as yet been incurred; and your directors assure you, that the avoidance of all unnecessary outlay will continue to be their watchful care, so that the funds of the society shall not be diverted from their proper channel.

Your directors considered it necessary, after the last general meeting, to submit the rules for the government of the institution to further revision, and they made (subject to your approval) an alteration, that instead of *one*, there shall be *two* general meetings of the members during the year, one of which shall be held in the *country*, in order to afford to provincial members a better opportunity of taking part in the affairs of the association.

The directors will be most happy when they can declare the society qualified to enter upon the fulfilment of its benevolent purpose, but to this end much still remains to be done; and they anxiously look for the cordial assistance of all their brother members to aid in giving to it a solid and lasting foundation. Every member may advocate its claims in his own particular neighbourhood, and all may, by a vigorous and united effort, accomplish together far more than your directors, however energetic, can hope to do without such valuable co-operation.

Having presented the foregoing statement of the society's progress, your directors earnestly appeal to every solicitor in England and Wales in favour of the objects contemplated, and ask from them, as members of an honourable and influential body, for whose especial benefit the association has been established, that cordial and effective assistance which shall be adequate to the advantages it is intended to confer.

It must be obvious that the combined efforts of any independent class are the most legitimate means of affording to its less prosperous members that aid which, in seasons of adversity, is dictated as well by the ties of professional brotherhood [as by the broad principles of benevolence and philanthropy; and it is from the good feeling of the members of the profession, ever unsparingly exhibited towards each other, that your directors anticipate that prompt and generous response, which they believe it is impossible they can ask for in vain.

Very numerous cases exist, and are constantly occurring, in which, from age or illness, or the want of timely and moderate assistance, respectable and deserving practitioners are disqualified from following their pursuits. Again, there are families suddenly plunged, through bereavement of their only protector, from a condition of ease into all the miseries of indigence and want. These are facts only too sadly authenticated by instances which have already come before the notice of your directors; and could the sorrows of many a once happy home be made known, where penury and privation are not the less keenly and bitterly felt at the present moment, because they are concealed, with the sensitiveness of better times, from the rough observation of the world, there is but little doubt that the sympathy of the profession would be unanimously excited.

It is for these reasons that your directors appeal to the whole profession, that, by a combined and well-regulated support to your institution, such instances of distress may be alleviated or removed, and that seasonable relief dispensed, which individual liberality is utterly incompetent to provide.

The CHAIRMAN said, they had heard the report read, and it had been so prepared that he thought it required a very few observations from him to induce them to contribute their aid and assistance towards the establishment of this excellent charity. Such a society had been much wanted. Whilst every other profession and every other class had been forming themselves into institutions for the benefit of their more indigent brethren, the legal profession was the only one that had been void of such a society. He hoped the time was now come when they should unite together as one man and one brother for the benefit of those who were less fortunate than themselves. Many gentlemen of the profession who were now in affluent circumstances might yet before death be in receipt of the bounty of that charity to which they had themselves been contributors. It had been said that this charity was connected with the Metropolitan and Provincial Law Association; he begged to state such was not the case; this body stood entirely on its own merits. It grasped the whole profession, from one end of the kingdom to the other, and he hoped and trusted that every member of the profession who could do so would give them his aid. He regretted there were not more members there that day; still, however it was satisfactory to see so many "good men and true," and he looked forward next year to a gathering which should not be surpassed by any charity of the kind in the kingdom. He was happy to find that they had a gentleman recently elected Lord Mayor of London who was a member of their own profession, and he had promised next year, if called on, to give this charity his best support, and that he would take the chair in London at the next meeting of the charity, if requested to do so. The chairman concluded by moving the adoption and printing of the report.

Mr. RYLAND, of Birmingham, seconded the motion, and it was carried unanimously.

Mr. HOPE SHAW, of Leeds, moved, "That this meeting is gratified at the progress the association has made in so short a period, and earnestly urges every member to use his best endeavours to obtain donations and subscriptions to its funds." He expressed his hope that the society would soon be put in a position to commence its benevolent operations. He had no doubt, that, if its claims were properly made known, it would, both in London and the country, receive a very large accession of members.

Mr. T. AVISON, of Liverpool, seconded the resolution, which was carried.

Mr. SMITH, of Greenwich, moved, [and Mr. C. G. HEAVEN, of Bristol, seconded, the appointment of Mr. J. W. J. Dawson, and Mr. Park Nelson, as auditors of the association for the ensuing year.—Carried.

A vote of thanks was then awarded to the directors for their services during the past year; and the rules and regulations of the society were also formally adopted. Mr. H. A. Palmer, and Mr. W. O. Hare, of Bristol, and other gentlemen, avowed their intention of becoming life-members; and the Chairman stated, that since he entered the room he had received the names of no less than nineteen additional subscribers. The thanks of the meeting were then given to the Chairman, and the proceedings closed.

Births, Marriages, and Deaths.

BIRTHS.

BAIRD—On Oct. 4, at 36 Belgrave-road, the wife of John Forster Baird, Esq., Barrister-at-Law, of a daughter.

CHURCH—On Oct. 3, at Highgate, Mrs. E. B. Church, of a daughter.

HEAD—On Oct. 3, at Spring-grove-cottage, Hounslow, the wife of Samuel Heath Head, Solicitor, of a son.

JERWOOD—On Oct. 6, at 17 Ely-place, Holborn, the wife of T. J. Jerwood, Esq., of a son.

PEARSON—On Oct. 4, at Albion-road, Holloway, the wife of William Pearson, Esq., Barrister-at-Law, of a daughter.

PRATT—On Oct. 6, at 5 Queen-street, May-fair, the wife of Thomas Pratt, Esq., of a daughter.

WINCKWORTH—On Sept. 30, at the Grove, Woodford, the wife of L. H. Winckworth, Esq., of a son.

WYATT—On Oct. 4, in Grosvenor-place, Hyde-park, the wife of R. H. Wyatt, Esq., of a daughter.

MARRIAGES.

BELL—BROWN—On Oct. 5, at St. Stephen's, Paddington, Robert Bell, youngest son of the late William Bell, Esq., Writer to the Signet, Edinburgh, to Julia Alicia, second daughter of George Brown, Esq.

BROWN—TWYNAM—On Sept. 30, at the parish church of St. Marylebone, by the Rev. W. B. Crickmer, Charles William eldest son of Charles James Brown, Esq., of Abbey-road, St. John's-wood, to Mary Catherine, only daughter of the late James Brown Twynam, Esq., of Wolverhampton.

COULTHARD—MAYHEW—On Sept. 30, at St. Catherine's church, Wigan, Mr. H. C. Coulthard, of Blackburn, youngest son of William Coulthard, Esq., Morecambe, near Lancaster, to Claudine, eldest daughter of John Mayhew, Esq., Solicitor, Plattbridge-house, Wigan.

HOOPER—JAMES—On Oct. 5, in the parish church, Halton, Bucks, by the Rev. J. H. Hooper, Charles, third son of Dr. Hooper, M.D., of Hoddesdon, late of Buntingford, Herts, to Marrianne, youngest daughter of the late James James, Esq., of Aylesbury, Bucks.

JARVIS—PHILLIPS—On Sept. 7, Richard Taylor Jarvis, Esq., of 13 Hart-street, Bloomsbury, and 23 Chancery-lane, to Emma Phillips, eldest daughter of Henry Phillips, Esq., late of Hart-street, Bloomsbury.

KEMBLE—PARKE—On Sept. 2, at Claremont, St. Ann's, Jamaica, by the Rev. George Hall, Edward Kemble, Esq., Barrister-at-Law, and Advocate of the Admiralty, to Charlotte, fourth daughter of William Parke, Esq., of the Thickets, St Ann's, Jamaica.

LOVELL—SCAMP—On Oct. 2, at Christ Church, Bayswater-road, by the Rev. William Gurney, M.A., Head Master, Grammar School, Stockport, brother-in-law of the bridegroom, Arthur George, third son of Charles Wells Lovell, Esq., Gray's-inn, to Harriotte, elder daughter of William Scamp, Esq., of the Admiralty.

PRYCE—ELLIS—On Oct. 2, at St. Mary's, Wanstead, by the Rev. W. P. Wigram, James Everard Coulthurst Pryce, Esq., H.M.I.S., fifth son of Captain Henry Pryce, R.N., to Caroline, youngest daughter of Robert Ellis, Esq., of Tredegar-house, Bow, Middlesex, and of Cowper's-court, Cornhill.

SMITH—CAREY—On Sept. 28, in the parish church of St. Peter-Port, in the island of Guernsey, by the Rev. James Charles Stafford, Vicar of Dinton, in the county of Wilts, assisted by the Very Rev. the Dean of Guernsey, Cecil Smith, Esq., of the Inner Temple, Barrister-at-Law, son of the Rev. Cecil Smith, of Lydeard-house, near Taunton, Somerset, to Amelia, second daughter of Peter Stafford Carey, Esq., Bailiff of Guernsey.

DEATHS.

CAMPBELL—On Oct. 2, at Malvern, John Campbell, Esq., Chief Registrar, Court of Bankruptcy.

DRUITT On Sept. 26, at Christchurch, Hants, Sarah Ney Chapman, wife of James Druitt, Solicitor.

LEFROY—On Oct. 5, at Itchell, Hants, aged 40, Jessie, the wife of C. E. Lefroy, Esq., and daughter of James Walker, Esq., of Great George-street, Westminster.

RANKEN—On Oct. 7, at his residence, Dulwich, in his 70th year, Charles Ranken, Esq.

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

FORD, FRANCES, & ELIZA FORD, Spinsters, both of Clifton, near Bristol, £663 : 17 : 13 3/4 per Cents.—Claimed by THEOPHILUS THOMPSON, one of the executors of ELIZA FORD, who was the survivor.

HIGGINBOTTOM, THOMAS, Gent., Bell-street, Paddington, £1445 and £1935 Consols.—Claimed by THOMAS HIGGINBOTTOM, acting executor of said THOMAS HIGGINBOTTOM.

RAVEN, MARY EMMA, Spinster, Feering, Essex, now wife of Thomas Powell, Farmer, Copford, Essex, £500 Consols.—Claimed by MARY EMMA POWELL, formerly Mary Emma Raven.

SIMMONS, HARRIETT, Widow, Edinburgh, £1050 New 4*l.* per Cents.—Claimed by ELIZABETH HARRIETT MAIR, wife of Arthur Mair, and the said ARTHUR MAIR, the executors.

Heirs at Law and Next of Kin.

Advertised for in the London Gazette *and elsewhere during the Week.*

KELLY, Colonel THOMAS EDWIN, Bachelor, 4 St. Alban's-place, Charles-street, Haymarket (who died on Aug. 20, 1858). To apply to the Solicitor to the Treasury, Whitehall.

ORME, MARY, Widow, Hobshole, otherwise Bexemoor, Staffordshire (who died on July 23, 1856). Re Orme's Estate, Bentley *v.* Sharrod, V. C. Stuart. *Last Day for Proof* for next of kin living at her death, or their personal representatives, Nov. 1.

WESTMORELAND, Capt. WILLIAM, late of Greenwich, Kent, who left England for Tasmania, in the year 1844, in the ship *Arab*. To communicate with Mr. Edward J. Barker, Solicitor, St. Werburgh's-chambers, Bristol.

Money Market.

CITY.—FRIDAY EVENING.

Consols for money closed this afternoon at 98⅛, being about the same price as on this day last week. The appearance of the market is firm. Indian Scrip closed at 99½. There is a slight demand for money in the discount market, at 2 per cent.

From the Bank of England return for the week ending the 6th instant, it appears that the amount of notes in circulation is £20,822,960, being an increase of £325,195; and the stock of bullion in both departments is £19,526,475, showing an increase of £235,996, when compared with the previous return. The influx of gold continues. About a million has arrived in this country since the date of the last return.

The price of the French funds continues to advance in a greater degree than is experienced in the English market.

The unrestricted trade in bread-stuffs in France is extended to the end of another year from September 30th. This measure tends towards a further depression in the markets of the United Kingdom, where prices are already very much reduced.

The dividends for October will be payable at the Bank to the public, on Wednesday, the 13th instant; and the annuities at the National Debt Office, on Thursday, the 14th.

The liquidators of the Western Bank of Scotland, appointed on the 1st February, have made a report to the shareholders, which became public in Glasgow on Monday last. It represents the losses sustained by the bank as greatly exceeding the estimate made in November last. At that time a call of £25 per share was made by the liquidators, being 50 per cent. on the original shares. They calculated that this call would produce a sum sufficient to cover the estimated deficiency. Their anticipations as to amount to be received under this call have been fully realised, and enabled them, on the 10th of May last, to pay the creditors an instalment of 10*s.* in the pound on their claims as on the 9th November, 1857. As the liquidation proceeded, however, it became evident that the valuations put upon the outstanding assets by the committee, although at the time apparently just and reasonable, would not be realised. With regard to a very large portion of the loss now anticipated by the liquidators, there is little or no room for doubt. When the bank failed, it appeared that the four insolvent houses of Macdonald, Monteith, Wallace, and Pattison, were indebted to it in the sum of £1,603,000. The amount of loss, as then estimated, was £608,203 11*s.* 3*d.*; but, in the opinion of the liquidators, it will not amount to less than £833,163 8*s.* 3*d.*, being a difference of £224,959 17*s.* In another class of cases, there is more room for diversity of opinion; but the liquidators think it right to make large additions to the estimated losses and liabilities of the bank. The liquidators have resolved that a second call of £100 per share must be made, and that this call shall be payable in one sum, on the 1st November next. They have considered it to be their duty to every interest involved to bring out, as far as in their power, and at the earliest possible date, the true financial position of the bank, and at once to make the amount of call which a full investigation has shown to be indispensable to carry on the liquidation. A schedule is annexed, showing the amount of loss as estimated by the committee and by the liquidators respectively. The estimate by the committee in November amounted to £2,091,746. The estimate by the liquidators, at the present time, amounts to £2,793,357 15*s.* 8*d.*, being an addition of £701,611 15*s.* 8*d.*

Railway Stock.

RAILWAYS.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Birk. Lan. & Ch. Junc..	..	..	..	..	..	..
Bristol and Exeter	..	93½	92	92½	93½ 3	93½
Caledonian	87½ 6½	87½ ½	87½ 87½	85½ 6½	86 7½ 6½	86½ 6½
Chester and Holyhead..	..	..	37	..	37½	..
East Anglian	..	..	..	..	..	..
Eastern Counties	63 2½	62½ 3 ½	62½ 3½	62½ 2 ½	62½ ½	62½ ¼
Eastern Union A. Stock.	..	..	..	..	..	..
Ditto B. Stock	32	..	..	..	..	..
East Lancashire	93½ 3	..	93½ 4 3	93	..	..
Edinburgh and Glasgow	..	..	..	..	..	..
Edin. Perth, and Dundee	27½	..	27½	..	..	27 6½ ½
Glasgow & South-Westn.	..	..	..	..	..	..
Great Northern	..	104½ 4	104½ 4 ½	103½ 3	104 ½	104
Ditto A. Stock	..	84½ 4	84 ½	..	83	83½ 4 ½
Ditto B. Stock	..	..	128	128½	128	128½
Gt. South & West. (Ire.)	103½	..	..	103½	..	..
Great Western	53½ 4½	54 ½ ½	54½ 4	54 ½	54½ ½ ½	54½ 4
Do. Stour Vly. G. Stk.	..	..	..	..	55½	..
Lancashire & Yorkshire	96½ ½	96½ ½	96½	96	96½ ½	96½
Lon. Brighton & S. Coast	110½ ½	110½	111	110½ 11	110½	..
London & North-Wstrn..	91½ 1½	92½ 2½	92 1½	92 1½	91½ ½ 2	91½ ½
London & South-Westrn.	95½ 5½	95½ 6 5½	95½ 6 5½	95½ ½	95½ ½ ½	95½ ½ ½
Man. Sheff. & Lincoln..	35½	36 5½	36 5½	35½	35½ ½	..
Midland	98¼ 8 ½	98½ ½	98½ ½	98½ 8	98½	98 ½ ½
Ditto Birm. & Derby	..	..	..	68½	..	..
Norfolk	..	..	..	64½	..	64
North British	57½ ½	57½ ½	57½ ½	56½ 6½	56½ 7½	57½ ½ ½
North-Eastern (Brwck.)	94½ ½	95 4½	94½ 5	94½ ½ ½	94½ ½ ½	..
Ditto Leeds	49	49	48½	48½	48½	..
Ditto York	77	77 ½ ½	77½ ½	77	76½ ½	77½ ½
North London	..	..	..	..	101	100½
Oxford, Worc. & Wolver.	..	..	..	..	..	..
Scottish Central	110½ xd	..	..	..	110 x d	..
Scot. N.E. Aberdeen Stk.	..	..	28 7½	..	27½	..
Do. Scotsh. Mid. Stk.	..	..	..	..	..	..
Shropshire Union	..	44 x d	..	..	..	..
South Devon	34½	34½	34½	..	..	..
South-Eastern	73½ ½	73½ ½ ½	74½	73½ ½	73½	73½ ½
South Wales	..	..	77½	..	..	..
Vale of Neath	93 2½ 3½	..	..	..	..	..

English Funds.

ENGLISH FUNDS.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Bank Stock	Shut.	Shut.	Shut.	Shut.	Shut.	Shut.
3 per Cent. Red. Ann...	..	..	..	..	..	..
3 per Cent. Cons. Ann...	98½ ½ ½	98½ ½ ½	98½ ½	98½ ½ ½	98½ ½ ½	98½ ½
New 3 per Cent. Ann...	Shut.	Shut.	Shut.	Shut.	Shut.	Shut.
New 2½ per Cent. Ann.	..	..	..	..	..	..
Long Ann. (exp. Jan. 5, 1860)	Shut.	Shut.	Shut.	Shut.	Shut.	Shut.
Do. 30 years (exp. Jan. 5, 1860)	..	..	..	..	..	..
Do. 30 years (exp. Jan. 5, 1880)	..	..	..	..	..	..
Do. 30 years (exp. Apr. 5, 1885)	Shut.	Shut.	Shut.	Shut.	Shut.	Shut.
India Stock.....	..	222 19	222	220 22	..	..
India Loan Debentures..	99½ ½	99½ ½	99½ ½	99½ ½	99½	99½ ½
India Scrip, Second Issue	99½	99½	99½ ½	..	..	99½ ½
India Bonds (£1,000) ..	..	..	12s p	12s 13sp	..	15s p
Do. (under £500)	15s p	..	12s p	..	..	14s 15p
Exch. Bills (£1000) Mar.	35s 38sp	38s p	..	38s p	37s p	37s 34p
Ditto June....	25s p	25s 28sp	28s p	28s 26sp	28s p	25s p
Exch. Bills (£500) Mar.	35s 38sp	..	..	34s 35sp	34s p	37s 34p
Ditto June....	25s p	25s 28sp	..	..	..	..
Exch. Bills (Small) Mar.	35s 38sp	..	..	..	..	37s 38sp
Ditto June	25s p	25s 28sp	25s p	..	..	25s p
Do. (Advertised) Mar.	..	..	..	..	..	..
Ditto June	..	..	..	..	..	..
Exch. Bonds, 1858, 3½ per Cent.	..	..	..	..	..	..
Exch. Bonds, 1859, 3½ per Cent.	..	..	..	100½	100½ ½	..

Insurance Companies.

Equity and Law.....	6
English and Scottish Law Life	4
Law Fire	4
Law Life	63½
Law Reversionary Interest	19
Law Union	par
Legal and General Life.....	4½
London and Provincial Law.....	par
Solicitors' and General	2½ ½

London Gazettes.

Perpetual Commissioner for taking the Acknowledgments of Married Women.

TUESDAY, *Oct.* 5, 1858.

BLACKBURN, LANGLEY JOSEPH, Gent., Tattershall, Lincolnshire; for the parts of Lindsey, of Kesteven, and of Holland, in the County of Lincoln. —July 31.

Bankrupts.

TUESDAY, *Oct.* 5, 1858.

BLUNT, JOSEPH, Money Scrivener, formerly of 42 Lothbury, then of 3 Winchester-bldgs., and now of 13 Austin Friars. *Com.* Fonblanque: Oct. 21, at 11; and Nov. 16, at 12; Basinghall-st. *Off. Ass.* Stansfeld. *Sols.* Lawrance, Plews, & Boyer, 14 Old Jewry-chambers. *Pet.* Oct. 5.

BULLIVANT, NATHANIEL, Victualler, Altrincham, Cheshire. Oct. 15 and Nov. 10, at 12; Manchester. *Off. Ass.* Pott. *Sols.* Slater & Myers, Manchester. *Pet.* Oct. 2.

BUTTERIS, VALENTINE, Bookseller, Dartmouth, Devon. Oct. 12 and Nov. 11, at 1; Queen-st., Exeter. *Off. Ass.* Hirtzell. *Sol.* Force, Exeter. *Pet.* Sept. 29.

CARMICHAEL, JOHN, Merchant, Liverpool. *Com.* Perry: Oct. 15 and Nov. 8, at 11: Liverpool. *Off. Ass.* Cazenove. *Sol.* Neal & Martin, 10 Sweeting-st., Liverpool. *Pet.* Oct. 5.

GOOCH, JOHN, jun., Corn Merchant, Isleham, Cambridgeshire. *Com.* Holroyd: Oct. 20, at 2; and Nov. 23, at 12; Basinghall-st. *Off. Ass.* Edwards. *Sols.* Aldridge & Bromley, 1 South-sq., Gray's-inn; or Kitchener, Newmarket. *Pet.* Sept. 30.

LONGDEN, SAMUEL, Grocer, Chesterfield, Derbyshire. *Com.* West: Oct. 16 and Nov. 20, at 10; Council-hall, Sheffield. *Off. Ass.* Brewin. *Sols.* Cutts, Chesterfield; or Smith & Burdekin, Sheffield. *Pet.* Oct. 4.

MARTINS, AUGUSTE, Merchant, late of Mark-lane Chambers, 39 & 40 Mark-lane (E. Martins & Co.) *Com.* Evans: Oct. 15, at 11.30; and Nov. 18, at 12; Basinghall-st. *Off. Ass.* Johnson. *Sol.* Moore, 4 Mark-lane. *Pet.* Oct. 2.

PRATT, CHARLES WILLIAM, Draper, Cambridge. *Com.* Evans: Oct. 21, at 11; and Nov. 18, at 1; Basinghall-st. *Off. Ass.* Bell. *Sols.* Tarrant, Bond-ct., Walbrook; or Whitehead, Cambridge. *Pet.* Oct. 5.

WRIGHT, JOHN, & SAMUEL STRINGER, Woollen Cloth Merchants, Bank Mill, Longsight, and Manchester. Oct. 15 and Nov. 10, at 12; Manchester. *Off. Ass.* Pott. *Sols.* Standring, jun., Rochdale; or Boote & Jellicorse, Manchester. *Pet.* Sept. 25.

FRIDAY, *Oct.* 8, 1858.

BARNSDALE, GEORGE HUNT, Builder, Millfield, near Peterborough. *Com.* Fonblanque: Oct. 22, at 1; and Nov. 19, at 12; Basinghall-st. *Off. Ass.* Stansfeld. *Sols.* Rogerson & Ford, 31 Lincoln's-inn-fields, London, and Brown & Son, Lincoln. *Pet.* Oct. 6.

BURRIDGE, JOHN, Newspaper Proprietor, Bristol. *Com.* Hill; Oct. 18 and Nov. 22, at 11; Bristol. *Off. Ass.* Acraman. *Sols.* Brittan & Sons, Bristol. *Pet.* Sept. 30.

GOODHEW, JOHN PRINCE, Butcher, Bull's-head-passage, Leadenhall-market. *Com.* Evans: Oct. 21, at 11; and Nov. 18, at 2; Basinghall-st. *Off. Ass.* Bell. *Sol.* Biggenden, 5 Walbrook. *Pet.* Oct. 7.

GRANGER, JAMES, Factor, Birmingham. *Com.* Balguy: Oct. 20 and Nov. 10, at 10; Birmingham. *Off. Ass.* Whitmore. *Sols.* James & Knight, Birmingham. *Pet.* Oct. 7.

JENNINGS, GEORGE, Butcher, Hampton-in-Arden, Warwickshire. *Com.* Balguy: Oct. 20 and Nov. 10, at 10; Birmingham. *Off. Ass.* Kinnear. *Sol.* Smith, Birmingham. *Pet.* Oct. 1.

M'CARTHY, FRANCIS PERRY, Metal Broker, 7 Beech-st., Barbican. *Com.* Holroyd: Oct. 25, at 1.30; and Nov. 23, at 1; Basinghall-st. *Off. Ass.* Lee. *Sols.* Linklaters & Hackwood, 7 Walbrook; or H. & J. E. Underhill, Wolverhampton. *Pet.* Oct. 4.

MOODY, CHARLES, Builder, Derby. *Com.* Balguy: Oct. 19 and Nov. 11, at 10.30; Shire-hall, Nottingham. *Off. Ass.* Harris. *Sols.* Bowley & Ashwell, Nottingham. *Pet.* Oct. 5.

SHARP, THOMAS, Brewer, Pelham's Land and Kirton Fen, in the Parts of Holland, Lincolnshire. *Com.* Balguy: Oct. 19 and Nov. 11, at 10.30; Shire-hall, Nottingham. *Off. Ass.* Harris. *Sols.* W. & W. Holdich, Sleaford, Lincolnshire; or Brewster & Son, Nottingham. *Pet.* Oct. 5.

BANKRUPTCIES ANNULLED.

FRIDAY, *Oct.* 8, 1858.

HILL, THOMAS, Timber Merchant, Areley-wood, near Stourport, Worcestershire. Sept. 25.

SMITH, WILLIAM, Gas Meter Manufacturer, Greyhound-yard, Smithfield. Oct. 7.

MEETINGS.

TUESDAY, *Oct.* 5, 1858.

ALLITREE, JOHN, Tailor, Liverpool. *Div.* Oct. 26, at 11; Liverpool. *Com.* Perry.

BARNABY, THOMAS, Tallow Chandler, 107 High-st., Woolwich, and 23 Borough Market, and 1 High-st., Kingsland. *Last Ex.* Oct. 28, at 1; Basinghall-st. *Com.* Evans.

BLENKARN, JAMES, Grocer, Tetney, Lincolnshire. *Div.* Oct. 27, at 12; Townhall, Kingston-upon-Hull. *Com.* West.

BRAIN, JOHN, Copper Plate Dealer, 16 Winchester-pl., Pentonville, and late of Holford-sq., Pentonville. *Div.* Oct. 28, at 12; Basinghall-st. *Com.* Evans.

BUNTING, HORATIO, Seedsman, Colchester. *Div.* Oct. 27, at 1.30; Basinghall-st. *Com.* Fonblanque.

CAMERON, WILLIAM OGILVIE, Export Oilman, 9 Camomile-st. *Div.* Oct. 27, at 2; Basinghall-st. *Com.* Fonblanque.

COX, GEORGE, Grocer, Wrexham, Denbighshire. *Div.* Oct. 26, at 11; Liverpool. *Com.* Perry.

ELLEY, REUBEN, Innkeeper, Wolverton, Bucks, and Butcher, Wicken, Northamptonshire. *Div.* Oct. 26, at 12.30; Basinghall-st. *Com.* Fonblanque.

FOX, SIR CHARLES, & JOHN HENDERSON, Engineers, London Works, Smethwick, Staffordshire, and 8 New-st., Spring-gardens, and Fore-st., Limehouse. *Div.* Oct. 29, at 10; Birmingham. *Com.* Balguy.

GILBERT, THOMAS WILLIAM, Sail Maker, 10 Railway-pl., Fenchurch-st., and Victoria Wharf, Narrow-st., Limehouse (T. W. Gilbert & Co.) *Div.* Oct. 26, at 12; Basinghall-st. *Com.* Fonblanque.

GLADSTONE, MONTGOMERIE, & JOSEPH CHEVTT BOWE, General Brokers, Manchester. *Further Div.* joint est.; and sep. est. of J. C. Bond, Oct. 27, at 12; Manchester. *Com.* Jemmett.

GORCH, JOHN DAVIS, & THOMAS HENRY GOTCH, Bankers, Tanners, &c., Kettering & Rowell, Northamptonshire, also of 43 Long-acre, Middlesex. *Div.* sep. est. of each, Oct. 26, at 1; Basinghall-st. *Com.* Fonblanque.

HANCOCK, SIR SAMUEL, Cattle Dealer, Emmetts, Edenbridge, Kent, also Chemist & Druggist, 8 Halkin-st. West, Belgrave-sq., trading with Charles Hancock as Williams & Co. *Div.* Oct. 28, at 2; Basinghall-st. *Com.* Evans.

HOLE, JOSHUA HORNER, Broker, Birkenhead. *Div.* Oct. 29, at 11; Liverpool. *Com.* Perry.

JONES, THOMAS, General Shopkeeper, Aberavon, and Cwmavon, Glamorganshire. *Final Div.* Nov. 4, at 11; Bristol. *Com.* Hill.

RANSON, JOHN, Ship Owner, Sunderland. *Div.* Oct. 28, at 11; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison.

ROBINSON, GEORGE, Builder, West Hartlepool. *Div.* Oct. 27, at 1; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison.

SCOTT, ABRAHAM, Ironmonger, Manchester. *Div.* Oct. 26, at 12; Manchester. *Com.* Jemmett.

SIMMONS, JAMES, Coach Maker, Sevenoaks, Westerham, and Brasted. *Div.* Oct. 27, at 12; Basinghall-st. *Com.* Fonblanque.

WHITTINGHAM, JOSEPH, Boot & Shoe Maker, Liverpool. *Div.* Oct. 29, at 11; Liverpool. *Com.* Perry.

FRIDAY, *Oct.* 8, 1858.

AMBLER, DAVID WADDINGTON, Draper, Tunstall, Staffordshire. *Div.* Nov. 1, at 10; Birmingham. *Com.* Balguy.

ATKINSON, HENRY WILLIAM, & THOMAS WILLIAM KING, Builders, Sutherland-gardens, Maida-vale, Paddington. *Div.* Oct. 29, at 12.30; Basinghall-st. *Com.* Evans.

BROWN, LEONARD FLINTOFF, Chemist & Druggist, Manchester. *First Div.* Nov. 1, at 12; Manchester. *Com.* Jemmett.

BRADBURY, HENRY, Butcher, Tunstall, Staffordshire. *Div.* Nov. 1, at 10; Birmingham. *Com.* Balguy.

DAVIES, CORNELIUS, & FREDERICK NORMAN, Cement & Lime Merchants, Crown Wharf, Great Scotland-yard, Westminster. *Div.* Oct. 29, at 12; Basinghall-st. *Com.* Fane.

DENT, WILLIAM, Lead Merchant, 21 Newcastle-st., Strand. *Div.* Oct. 29, at 12; Basinghall-st. *Com.* Evans.

DOEG, WILLIAM, & JOHN SKELTON, Timber Merchants, Newcastle-upon-Tyne. *Final Div.* Oct. 26, at 11 (instead of 14th inst., as advertised in *Gazette*, Sept. 17); Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison.

EDGAR, JAMES, Draper, Bury St. Edmunds. *Div.* Oct. 29, at 12; Basinghall-st. *Com.* Fane.

FENNELL, HENRY EDWARD, & CHARLES WILLIAM CHANTRELL, Brewers, Shirley, co. Southampton. *Div.* joint est., and sep. est. of each, Oct. 29, at 11.30; Basinghall-st. *Com.* Fane.

FOLLETT, WILLIAM, otherwise WILLIAM STIBLING FOLLETT, Bookseller, Bognor, Sussex. *Div.* Oct. 29, at 11.30; Basinghall-st. *Com.* Evans.

HARRIS, SAMUEL, & ISAAC GABRIEL COSTA, Wholesale Clothiers, 10 Commercial-st., Whitechapel. *Div.* Oct. 29, at 11; Basinghall-st. *Com.* Evans.

HOLLAND, THOMAS, Tobacco Broker, 59 Fenchurch-st. *Div.* Oct. 29, at 11; Basinghall-st. *Com.* Evans.

HULBERT, MARTHA, Parchment Manufacturer, Caversham, Oxon. *Div.* Oct. 29, at 12; Basinghall-st. *Com.* Evans.

HURLEY, JOHN, Linen Draper, 38 High-st., Birmingham. *Div.* Nov. 2, at 12, Basinghall-st. *Com.* Holroyd.

KEAL, WILLIAM HENRY JOHN, & DANIEL JACKSON ROBERTS, British North American Merchants, 3 Rood-lane, and Prince Edward's Island. *Last Ex.* (*by adj.* from Aug. 4), Oct. 22, at 1; Basinghall-st. *Com.* Fonblanque.

LUMSDON, JAMES, & WILLIAM LUMSDON (E. Lumsdon & Sons), Chain & Anchor Manufacturers, South Shields. *Div.* Oct. 29, at 12.30 (instead of Oct. 14, as advertised in *Gazette*, Sept. 17); Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison.

MITCHELL, NATHAN, Leeds. *Last Ex.* Nov. 1, at 11; Commercial-bldgs., Leeds. *Com.* West.

SMITH, TILDEN, JAMES HILDER, GEORGE SCRIVENS, & FRANCIS SMITH, Bankers, Hastings. *Div.* sep. est. of Tilden Smith, Oct. 30, at 11; Basinghall-st. *Com.* Fane.

STERN, LEWIS, & MEYER LOEWINSOHN, Ship Chandlers, 9 Savage-gardens, Crutched Friars. *Last Ex.* Oct. 21, at 12; Basinghall-st. *Com.* Fane.

TUCK, GEORGE, Shipowner, South Shields. *Last Ex.* Oct. 19, at 12; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison.

WELLS, WILLIAM STUBBINGS, Butcher, Hertford. *Div.* Oct. 29, at 11.30; Basinghall-st. *Com.* Evans.

WOOD, JAMES RIDDALL, Varnish Maker, Failsworth, Manchester. *Final Div.* Oct. 28, at 12; Manchester. *Com.* Jemmett.

YOUNG, GEORGE, Licensed Victualler, Crown Public-house, 1 Great St. Andrew-st., Seven Dials. *Div.* Oct. 29, at 12; Basinghall-st. *Com.* Fane.

DIVIDENDS.

TUESDAY, *Oct.* 5, 1858.

TURNER, WILLIAM, & THOMAS MASON, Cotton Spinners, New-mills, near Ashbourne, Derbyshire. First, 7*s.*, joint est.; and first, 20*s.*, sep. est. W. Turner. *Harris*, Middle-pavement, Nottingham; next four Mondays, 11 to 3.

CERTIFICATES.

To be ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting.*

TUESDAY, *Oct.* 5, 1858.

ARKLE, JAMES, Currier, Sunderland. Oct. 27, at 11.30; Royal-arcade, Newcastle-upon-Tyne

BURCHER, GEORGE ROSE, Innkeeper, Burton-upon-Trent. Oct. 29, at 10; Birmingham.

BUSBY, ROBERT, Builder, Birmingham, now a Prisoner for Debt in Warwick Gaol. Oct. 29, at 10; Birmingham.

DENDEN, JOHN, Hearth Rug Manufacturer, 28 Duncan-ter. and 22½ Bryan-st., Islington. Oct. 28, at 11.30; Basinghall-st.

FLYNN, THOMAS, Cheesemonger, 45 Farringdon-st. Oct. 27, at 1; Basinghall-st.

FRANCE, EZRA, formerly of Dudley-hill, Bradford, Yorkshire, Worsted Manufacturer (Priestley & Hammersley, and Priestley, France, & Co.), now of Blackmoor Foot, near Linthwaite, Joiner. Oct. 28, at 11; Commercial-bldgs., Leeds.

GRAY, ROBERT, Glass Merchant, Nottingham. Oct. 26, at 10; Shire-hall, Nottingham.

HUNTER, SAMUEL, & NICHOLAS HUNTER (Hunter & Co.), Anchor Manufacturers, Hartlepool; on applon. of S. Hunter. Oct. 29, at 11; Royal-arcade, Newcastle-upon-Tyne.

MELLOR, GEORGE, & JAMES TERRAS (Mellor, Son, & Terras), Joiners, Ardwick, Manchester. Oct. 26, at 12; Manchester.

ROBINSON, GEORGE, Builder, West Hartlepool. Oct. 27, at 1; Royal-arcade, Newcastle-upon-Tyne.

SIMMONS, JAMES, Coach Maker, Sevenoaks, Westerham, and Braxted, Kent. Oct. 27, at 12; Basinghall-st.

SOPPET, JAMES GRAY, Miller, North Shields. Oct. 29, at 11.30; Royal-arcade, Newcastle-upon-Tyne.

TURNBULL, RALPH, News Agent, 71 Percy-st., North Shields. Oct. 28, at 12; Royal-arcade, Newcastle-upon-Tyne.

WILLIAMS, GEORGE CORNFIELD, Corn Dealer, Northampton. Oct. 27, at 1.30: Basinghall-st.

WILSON, HENRY, Merchant, Liverpool. Oct. 29, at 12; Liverpool.

FRIDAY, *Oct.* 8, 1858.

BRADSHAW, GEORGE, Innkeeper, Whitchurch, Salop. Nov. 8, at 10; Birmingham.

DAWSON, THOMAS, Printer, Birmingham. Nov. 8, at 10; Birmingham.

ELSWORTH, JOHN, Naphtha Manufacturer, Kingston-upon-Hull. Nov. 3, at 12; Town-hall, Kingston-upon-Hull.

HUTCHINGS, JOHN STOKES, Coach Builder, Dorchester. Nov. 3, at 1; Queen-st., Exeter.

HUTCHINS, WILLIAM HENRY, Linen Draper, Whitechapel-road. Oct. 30, at 11; Basinghall-st.

LANE, CHARLES, Cab Proprietor, 4a Savoy-st., Strand. Oct. 29, at 1.30; Basinghall-street.

LLOYD, DAVID, Cabinet Maker, Wrexham, Denbighshire. Oct. 29, at 12; Liverpool.

MADIN, JOHN, & RICHARD WEBSTER, Common Brewers, Newark. Nov. 2, at 10.30; Shire-hall, Nottingham.

NAISH, WILLIAM, Carrier, Newport, Monmouthshire. Nov. 2, at 11; Bristol.

SAUNDERS, JAMES, & WILLIAM SAUNDERS, Nurserymen & Seedsmen, Abergavenny, Monmouthshire. Nov. 1, at 11; Bristol; on applon. of each.

SLATER, WILLIAM SMITH, & THOMAS HERBERT, Steam Saw Mill Proprietors, Birkenhead. Oct. 29, at 1; Liverpool; on applon. of each.

TOMKS, JOHN, Printer, Birmingham. Oct. 29, at 10; Birmingham.

TUCKER, WILLIAM OWEN, Builder, Lea Bridge, Essex. Oct. 29, at 12.30; Basinghall-st.

UNDERWOOD, WILLIAM, Tea Dealer, 53 Gracechurch-st. Oct. 29, at 12.30; Basinghall-st.

WATTS, GEORGE WATKINS, Wholesale Cheesemonger, Red Lion-pl., Giltspur-st. Oct. 29, at 11; Basinghall-st.

WHITE, GEORGE, Grocer, Birmingham. Oct. 29, at 10; Birmingham.

YOUNG, GEORGE, Licensed Victualler, Crown Public-house, 1 Great St. Andrew-st., Seven-dials. Oct. 29, at 12; Basinghall-st.

To be DELIVERED, *unless* APPEAL *be duly entered.*

TUESDAY, *Oct.* 5, 1858.

BURTON, JAMES, Bookseller, Atherstone. Oct. 4, 2nd class.

CASTREE, CHARLES WILLIAM, Auctioneer, Gloucester. Sept. 30, 3rd class; after a suspension of 2 yrs., protection to be withhheld for first 6 mos.

JOHNS, DAVID, Grocer, Shrewsbury. Oct. 4, 3rd class.

LOW, EDWARD, Licensed Victualler, 56 & 57 Fleet-st. Sept. 30, 3rd class.

PEARSON, BENJAMIN, & WILLIAM PEARSON, Coal Dealers, Stratford-on-Avon, and Clipping Norton. Oct. 4, 3rd class.

ROSS, MICHAEL, Boot & Shoe Manufacturer, Manchester. Sept. 27, 2nd class.

SMITH, JOHN BOWERS, Baker, Rugby. Oct. 4, 3rd class.

TAFT, WILLIAM STRAFFORD, Whip Manufacturer, Birmingham. Oct. 4, 2nd class.

FRIDAY, *Oct.* 8, 1858.

BROWNLOW, WILLIAM, Grocer, New Basford, Notts. Oct. 5, 2nd class.

CATLIN, RICHARD, Plumber, late of High Cross-st., Leicester, now in Whitecross-st. Prison. Oct. 5, 3rd class.

FISHER, JOHN, Builder, Nottingham. Oct. 5, 2nd class.

INGHAM, WILLIAM, Innkeeper, Bowling Back-lane, Bradford, Yorkshire. Oct. 5, 3rd class.

NUTT, GEORGE JEFFRIES, Grocer, Derby. Oct. 5, 2nd class.

PARROTT, WILLIAM, Boot & Shoe Maker, 16 Lisle-st., Leicester-sq. Sept. 29, 3rd class; to be suspended for 12 mos.

RIMMINGTON, GEORGE HUBBARD, Grocer, Wymondham, Leicestershire, now a prisoner for debt in Leicester gaol. Oct. 5, 2nd class.

ROWLEY, BENJAMIN, Corn Factor, of Crofton and Wakefield. Oct. 5, 2nd class.

WHALEY, WILLIAM ELVERBY, & WILLIAM JOHN HILSTEAD, Warehousemen, 82 Wood-st., Cheapside. 2nd class to W. E. Whaley, to be suspended for 6 mos.; and 2nd class to W. J. Hillstead.

WHILE, JOHN, Miller, Loughborough, Leicestershire. Oct. 5, 2nd class.

Assignments for Benefit of Creditors.

TUESDAY, *Oct.* 5, 1858.

ADAMS, JOSEPH DODD, Draper, Wednesbury, Staffordshire. Sept. 30. *Trustees*, E. M. Freeman, Linen Merchant, Prestwich, Lancashire, and 9 Mosley-st., Manchester; W. P. Dixon, Merchant, Longsight, Lancashire, and 8 Church-st., Manchester. Indenture lies at offices of Payne & Vaughan, Public Accountants, 43 Piccadilly, Manchester.

BURNAM, JOHN, Butcher, Wetherby, Yorkshire. Sept. 17. *Trustees*, W. Burnam, Farmer, North Deighton; R. Kay, Farmer, Linton. Creditors to execute before Sept. 17. *Sol.* Coates, Wetherby.

DICKINSON, RICHARD, Innkeeper, Parliament-st., Harrogate. Sept. 10. *Trustees*, C. Smith, Wine & Spirit Merchant, Lowerhead-row, Leeds; M. Sweeting, Chemist, Knaresborough. Creditors to execute before Oct. 10. *Sol.* Coates, Wetherby.

FOSTER, GEORGE, Painter, Victoria-rd., Leeds. Sept. 9. *Trustee*, W. Huntley, Auctioneer, Leeds. Creditors to execute before Dec. 9. *Sol.* Booth, 25 Bank-st., Leeds.

FYNN, WILLIAM, Tailor, Coronation-st., Leeds, and Darley-st., Bradford. Sept. 16. *Trustees*, J. Locke & W. Locke, Scotch Manufacturers, 127 Regent-st., Middlesex. Indenture lies at offices of Thomas & Carter, Accountants, 9 Size-lane.

KNOWLES, GEORGE, Watchmaker, Manchester. Sept. 8. *Trustees*, S. Quilliam, and T. Russell, Watchmakers, both of Liverpool. *Sol.* Bagshaw, Manchester.

LASSEY, THOMAS, Cloth Manufacturer, Morley, Yorkshire. Sept. 11. *Trustees*, W. Dogshun, Wool Merchant, S. Hirst, Flour Dealer, both of Morley. *Sols.* Blackburn & Son, 26 Albion-st., Leeds.

LIVERIDGE, SAMUEL, Cloth Manufacturer, Hall Bower, Almondbury, Yorkshire. Sept. 20. *Trustees*, B. Driver, Cloth Manufacturer, Morley; J. Whiteley, Cotton Warp Manufacturer, Huddersfield. Creditors to execute before Dec. 20. *Sol.* Watson, Bradford.

NESHAM, WILLIAM, Tallow Chandler, Newcastle-upon-Tyne. Sept. 6. *Trustee*, C. Brough, Auctioneer, Newcastle-upon-Tyne. Creditors to execute before Dec. 6. *Sol.* Hoyle, 30 Grey-st., Newcastle-upon-Tyne.

PARKS, ELIZABETH MARIA, Widow, 45 King William-st., Administratrix of FREDERICK PARKS, Tailor, late of 45 King William-st. Sept. 11. *Trustees*, R. C. Randall, Warehouseman, Cheapside; E. Kearsley, Warehouseman, Gutter-lane, Cheapside. *Sol.* Mardon, 99 Newgate-st.

ROWLAND, WILLIAM HENRY, Plumber & Glazier, 28 Cambridge-pl., Paddington. Sept. 30. *Trustees*, R. W. Robertson, Glass & Lead Merchant, Falcon-wharf, Holland-st., Blackfriars; C. Richardson, Cement Manufacturer, South-wharf, Paddington. Creditors to execute before Dec. 30. *Sol.* Burn, 14 Great Carter-lane, Doctors'-commons.

FRIDAY, *Oct.* 8, 1858.

BAILEY, WILLIAM ARNOLL, Wine & Spirit Merchant, Bideford, Devon. Sept. 21. *Trustee*, R. E. Yelland, Banker, Bideford. *Sol.* Buse, Bideford.

BANFIELD, WILLIAM, Shoe Manufacturer, Northampton. Oct. 1. *Trustee*, G. F. Newton, Currier, Northampton; W. H. Cooper, Currier, Wellingborough. Creditors to execute before Jan. 1. *Sol.* Dennis, Northampton.

BISHOP, JOHN, Farmer, Susworth, Lincolnshire. Oct. 1. *Trustees*, C. Roadley, Gent., Scotter, Lincolnshire; C. Frankland, Gent., Susworth. Creditors to execute on or before Jan. 1. *Sol.* Carnochan, Crowle, Lincolnshire.

FANCOTT, THOMAS FREDERICK, Draper, High-st., Stourbridge, Worcestershire. Sept. 10. *Trustees*, C. Milburn, Warehouseman, Newgate-st.; T. F. Palmer, of firm of Waters & Co., Warehouseman, Manchester. *Sol.* Mardon, 99 Newgate-st.

LINDBERG, OSCAR, & JOHN PETER HORNUNG, Merchants, Middlesbrough-on-Tees, Yorkshire, carrying on business also at Newcastle-upon-Tyne and Hartlepool. Sept. 11. *Trustees*, I. Wilson, Ironmaster, Middlesbrough; J. H. Stobart, Coal Owner, Etherley; R. O. Lamb, Coal Owner, Newcastle-upon-Tyne. Creditors to execute before Dec. 11. *Sols.* Newby, Richmond, & Watson, Stockton-upon-Tees.

ROGERS, SILVESTER, Maltster, Stamford. Sept. 24. *Trustees*, H. Whincup, Farmer, St. Martin's, Stamford Baron, Northamptonshire; W. Dales, jun., Maltster, Stamford; C. Richardson, Auctioneer, Stamford. Creditors to execute before March 24. *Sol.* Atter, Stamford.

VEALE, JAMES, Innkeepeer, Thomas-st., Bristol. Oct. 2. *Trustees*, G. Arnold, Gent., Clifton, Bristol; F. V. Weir, Wine Merchant, Thomas-st., Bristol. Creditors to execute before Jan. 2. *Sols.* King & Flammer, 5 Exchange-bldgs. East, Bristol.

WILSON, GEORGE WILLIAM, & JOSEPH THOMAS PINK, Thread Manufacturers, Robert Town, Yorkshire. Sept. 22. *Trustees*, W. Lee, Commission Agent, Manchester; W. Thickett, Clerk to Moore & Robinson's Nottinghamshire Banking Company, Nottingham. *Sols.* Freeth, Rawson, & Browne, Nottingham.

Creditors under Estates in Chancery.

TUESDAY, *Oct.* 5, 1858.

ORME, MARY, Widow, Hobshole, otherwise Boxemoor, Staffordshire (who died on July 23, 1856). Re Orme's Estate, Bentley *v.* Sharrod, V. C. Stuart. *Last Day for Proof*, Nov. 1.

FRIDAY, *Oct.* 8, 1858.

WEDD, ELIZABETH, Spinster, late of Maidstone (who died in Sept., 1856). Martin *v.* Faucett, V. C. Wood. *Last Day for Proof*, Nov. 20.

Windings-up of Joint Stock Companies.

LIMITED, IN BANKRUPTCY.

TUESDAY, *Oct.* 5, 1858.

MARKSFIELD PATENT GUNPOWDER COMPANY (LIMITED). — A Petition has been presented to the Court of Bankruptcy in London, by John Carr Sharpe, a Shareholder and Contributory, for the winding-up of this Company, which will be heard before Mr. Commissioner Fonblanque, Oct. 15, at 11.

FRIDAY, *Oct.* 8, 1858.

GROUX'S IMPROVED SOAP COMPANY, LIMITED.—Mr. Commissioner Fonblanque has appointed Oct. 30, at 12.30, at Basinghall-st., to declare a dividend.

WILTS & GLOUCESTER AGRICULTURAL DISTILLERY COMPANY, LIMITED.—A petition was presented to the Court of Bankruptcy for the Bristol district, on Sept. 21, by William Thomas Keene Perry Keene, for winding up this Company; and the said Company was on Oct. 6 ordered to be wound up; and A. J. Acraman was duly appointed Official Liquidator. Creditors to prove their claims on Oct. 19, at 11, at the Court of Bankruptcy for the Bristol district. A meeting of the Contributories will be held at the time and place aforesaid, for appointing an Official Liquidator to act with the Official Liquidator so appointed by the Court.

Scotch Sequestrations.

TUESDAY, *Oct.* 5, 1858.

COCHRANE, ROBERT, Mason, 282 Crown-st., Glasgow. Oct. 13, at 12; Faculty-hall, St. George's-pl., Glasgow. *Sec.* Oct. 1.

YOUNG, RODERICK, Shipowner, Inverness. Oct. 13, at 2; Union-hotel, Inverness. *Sec.* Sept. 30.

FRIDAY, *Oct.* 8, 1858.

M'ALPINE, DUNCAN, Accountant, Glasgow. Oct. 14, at 2; Faculty-hall, St. George's-pl., Glasgow. *Sec.* Oct. 4.

WATT, JOHN GEORGE, formerly Commission Merchant, Leith, now in Edinburgh. Oct. 18, at 2; Messrs. Dowells & Lyon, George-st., Edinburgh. *Sec.* Oct. 5.

WILSON, ROBERT, deceased, Writer, Abbey, Edinburgh. Oct. 13, at 2; Stevenson's Rooms, 4 St. Andrew's-sq., Edinburgh. *Sec.* Oct. 4.

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We cannot notice any communication unless accompanied by the name and address of the writer.

Advertisements can be received at the Office until six o'clock on Friday evening.

*** Any error or delay occurring in the transmission of this Journal to Subscribers should be immediately communicated to the Publisher.*

THE SOLICITORS' JOURNAL.

LONDON, OCTOBER 16, 1858.

RESULTS OF THE BRISTOL MEETINGS.

We congratulate the Managing Committee of the Metropolitan and Provincial Law Association upon the complete and well-deserved success of the meeting held under their auspices last week at Bristol, and we shall not be deterred, by possible imputations of partiality, from expressing the satisfaction we have derived from reading the Chairman's excellent address. The best answer that can be given to those who question the utility of the Association is, to point to the record of its proceedings, which will be presented in the columns of this Journal It is an honour to the profession to number among its members gentlemen who are capable of conducting public discussions with so much good sense and moderation, and such extensive knowledge, and of embodying their opinions in such appropriate and impressive language. The opening address of Mr. Ryland gives due prominence to every topic which concerns the welfare of the profession. It is the utterance of a man who earnestly desires to promote the common good, and this depth of purpose gives to his speech an interest not always to be found in the addresses to public meetings, which now supply in the newspapers the place of trials and debates in Parliament. If the founders of the Association had done nothing more than provide for the annual recurrence of these most useful meetings, they would have deserved the gratitude of their brethren, as having rendered a great public service. Every solicitor in the kingdom will, in time, share in the respect gained for the profession to which he belongs by these exertions of its more active members. It cannot be believed by any one who will take the trouble to read the report of the Bristol debates, that the speakers are merely acting a part when they profess their desire to improve the education of solicitors, and to set, on all occasions, the example of exercising their professional skill and experience in originating and perfecting improvements of law and practice for the advantage of the entire social body. And as the motives and the services of this Association become more widely known and estimated, it will gain a larger influence with the Government and the Legislature upon all matters falling within its sphere of action. A class organization, conducted upon the principles enunciated in Mr. Ryland's address, cannot but be an instrument of good at once to the profession on whose behalf and to the public to whom it undertakes to speak. All social reformers will recognise in the Bristol meeting a fact pregnant with future good; and we trust that no solicitor will allow himself to doubt of the utility or to discourage the labours of the Association which has produced this valuable result.

The simultaneous publication in these columns of the annual report of the Incorporated Law Society and of the proceedings of the Association which met at Bristol, affords an excellent opportunity of comparing the working of the two bodies, so as to judge how far it is desirable that both should continue to operate in what is, to some extent, a common field. Upon the vital subject of an improved education of articled clerks, we must confess that, so far from thinking the exertions of either society superfluous, we see some reason to complain of so slender a result from their joint efforts. Last year it was resolved at Manchester that the Association should urge the Society to move. Arrangements were made, as we all know, for the due application of the pressure at the conference held last January; and the annual report of the Society notices that this process had been undergone; but "much difference of opinion prevails" in the Council of the Society upon the details of the regulations proposed by the Association. Mr. Ryland, in recounting the year's proceedings of the Managing Committee, was obliged to confess that in this respect they had as yet attained no tangible result. He feared that "some considerable difficulties stood in the way," and recommended the application of a further pressure. The meeting accordingly passed a resolution "earnestly pressing" on the Council of the Society to proceed with their efforts for improving the education of law students. Last year's meeting, therefore, resulted in a request which has not been hitherto complied with, and the meeting of this year has produced an emphatic request, which, we trust, may have greater efficacy. We are quite aware that the Council of the Law Society fills an arduous and responsible position. The difficulties of action are so great, that in such a body the temptation must be strong to inactivity. And it is to combat this tendency in the governing body of the old Society to shrink from, or hesitate over, momentous changes, that the resolute friends of educational and other improvement embodied in the younger Association raise their collective voice to urge unfaltering progress.

Mr. Kennedy's important paper on Chancery Procedure will be found in another part of our impression of to-day. It is an excellent illustration of the advantages of these periodic gatherings of the profession, that this able composition has thus obtained publicity, and been the means of originating a discussion which may prepare the way for valuable reforms. The consolidation of the General Orders of the Court of Chancery is reported to have been determined upon by Lord Chelmsford, and the names of the gentlemen commissioned by him to perform this task were mentioned at the Bristol meeting. We have no means of knowing the exact nature and extent of the powers entrusted to the draftsmen, but we presume that nobody expects to see a complete code of practice promulgated by authority on the first day of Michaelmas Term next. To render such an undertaking satisfactory, the work must be submitted to the experienced officers and practitioners of the Court, and ample time must be allowed for full consideration, and for collecting the judgments of various minds. There are several points, too, as has been shown by Mr. Kennedy, in his paper, upon which improvements in the existing practice are loudly called for, and it is desirable that these amendments should be introduced before the consolidation stated to be now in progress assumes its final shape, and receives the authorisation of the Court. It is not, however, to be desired that the question of precedency, disputed between consolidation and amendment, should indefinitely postpone the remodelling of the law of the Court of Chancery. But let whatever is attempted be publicly and deliberately done, so that the body of solicitors may have full opportunity to offer their suggestions and advice upon a subject which it appears from the Bristol discussion they thoroughly understand, and in which they have a vital interest.

We hope to publish in succeeding numbers the whole or part of the other papers read, believing that we shall thus furnish the best evidence of the enlightened views, the liberal sentiments, and the superiority to selfish motives of the solicitors who met at Bristol. That

assembly was composed of men who fully accepted the principle laid down by their Chairman, that life in a civilised community brings, with its many social advantages, imperative social duties. In proportion as this conviction spreads wider and sinks deeper among solicitors, the task of those who urge the claims of the Metropolitan and Provincial Law Association to support will become more easy. That institution supplies a means by which the special experience of the lawyer is made available for the public service. Parliament is sometimes too eager, and sometimes too listless, in carrying measures of domestic reform; and it is the duty of those who know existing and can estimate contingent evils, to raise a voice of warning, or of exhortation, according as rashness or indifference predominates in the legislative mind. An attentive perusal of the report of a year's proceedings of the two societies, will teach those who have yet to learn it what are the public duties of the solicitor, and how many demands there are upon his time and thoughts, beyond the discreet conduct of the business entrusted to his care. The ability and industry devoted by the Council of the Incorporated Law Society to the general interests of the profession, is too well known to need any praise from us. But we see that the task devolving on them is so heavy as almost to demand the aid which the Association is so well constituted to afford. We, therefore, find in the independent working of these two bodies a source of no division or weakness, but of unanimity, and life, and strength. Let us hope that both will continue to offer to the profession the means of that co-operation which is essential to the attainment of great common objects. The Association meets next year in London, under the presidency of the Lord Mayor elect, who is a well-known member of the profession, and who has promised his cordial support. The next annual meeting of the Solicitors' Benevolent Association will also be held in London, and the charitable exertions of its founders will be aided by the influence of the Chief Magistrate. Our report of the proceedings at Bristol shows that the appeal to the profession on its behalf has not been made in vain. But much—very much—remains to be accomplished in the year now to come, and we trust that the friends of the Benevolent Association will not, for one single moment, relax their labours.

THE NATIONAL ASSOCIATION AT LIVERPOOL.

So far as we can judge from the first few days of the Liverpool proceedings, we must confess that the second meeting of the Association for the Promotion of Social Science is rather disappointing. Lord John Russell makes a dismal president after Lord Brougham; and although he had some rhetorical capital ready to his hand, in the substantial fruit which the meeting of last year has borne, even the Bankruptcy Bill, which he had himself taken charge of, suggested nothing better than a few very crude and general observations. With commendable modesty he confessed his own want of familiarity with the subject, and his reliance on the assistance of Mr. Headlam to supply the knowledge which might prove desirable in the conduct of the Bill through Parliament. Nor is there much encouragement or instruction to be derived from those portions of the inaugural address which were directed to other points of jurisprudence and law reform. The subject of consolidation must, indeed, have made but little progress if it is necessary to amuse a meeting of earnest law reformers with the musty tale of Napoleon returning from the field of battle to discuss patiently with his committee of civilians the details of his now famous code. This sort of thing is milk for babes with a vengeance. Not only does everybody know all about it, but the circumstances of France under the Emperor were so utterly different from our own, that we can derive no practical assistance from the contemplation of the high-handed mode of procedure by which a new system of law was introduced into the French empire. Even on the broad question of the value of statute-law consolidation, if that needed to be enforced, the example is not at all in point; for France had no uniform law, such as we possess, and there is little in common between the formation of a code partly eclectic and partly original, and the consolidation of the mass of statutes which have accumulated on our hands. The reference to the consolidation of the New York statutes might have been much more to the purpose had Lord John been able to tell us whether it had proved really successful, or whether, as some say, the law of the state, and the procedure of the courts, have been deteriorated by the change. One particular, which Lord John did notice, is not likely to commend itself to English lawyers. The New Yorkers found that it would greatly simplify the law of real property if the power of dealing with it were limited to a period comprised within two existing lives; but whatever may be urged, on general principles, in favour of narrowing the limits of our rule against perpetuities, it is quite certain that English landowners will never consent to give up the power of making marriage settlements for the sake of facilitating the transfer of land. The problem with us is a much more difficult one, and law reformers may as well abandon the notion of improving conveyancing law, unless they can make their theories consistent with the maintenance of the freedom of disposition and the substantial security which is now enjoyed.

The special section on jurisprudence and amendment of the law is sitting under the effective presidency of Lord Brougham, who has supplied the place of the Irish Chancellor, who forgot to ask for leave of absence in time to attend the meeting; and it may, perhaps, before it separates, contribute something to the cause of law reform. But, as yet, it has not done much. Bankruptcy was, of course, the first subject, and we had certainly anticipated some useful discussion of the details of the Bill which was prepared by the committee of last year. But the energy of the Association seems to have evaporated, and the resolutions in favour of the Bill were carried with a surprising unanimity, which is more easily accounted for on the hypothesis of universal apathy than on any other. Men do not commonly agree so entirely on difficult subjects, in which they take an active and intelligent interest. We have, long since, expressed our concurrence, in many points, with the Bill which has been so carefully prepared; but neither do we believe it to be incapable of improvement, nor can we imagine that there is among lawyers and merchants that absolute agreement which the proceedings of the section purport to show. It seems quite clear that the meeting was ready to pass any vote proposed by the committee, without much consideration or discussion; but, by doing so, they have strengthened the cause they profess to have at heart much less than if they had come prepared with suggestions for the improvement of a Bill which, though a good basis for legislation, has assuredly not attained to that absolute perfection which would entitle it to unqualified praise. Some closer inquiry into the possibility of a further reduction of expense would perhaps have resulted in valuable improvements; and we are quite sure that the jurisdiction proposed to be given over the estates of deceased insolvents would not have stood the test of an energetic debate. However, nothing has been done by the Association to improve the Bill. They have simply swallowed it whole as if it were a distasteful matter, to be got rid of as soon as possible. Thanks to this apathy, it will rest with others to perfect the work which was so well commenced last year, but of which the Association seems already to be weary. This is certainly anything but a promising symptom. A body whose vitality begins to grow feeble in the second year of its existence, can scarcely reckon on long life; and however valuable may have been the services of the committee who superintended the preparation of the Bankruptcy Bill, the Association must be something more than a mere echo

of its delegates if it expects to command any large measure of public respect and influence. Lord John's harangue about the necessity of work does not seem to have produced a very stirring effect on the minds of the gentlemen of the jurisprudence section, but it is not the less true that work is the condition of the society's existence, and that passing unanimous resolutions in laudation of what was done, or rather begun, last year, is not work at all. The bankruptcy debate has, in truth, been a miserable failure, and we can only hope that some of the other subjects which remain to be discussed will elicit more definite statements of opinion, and furnish some practical suggestions for future reform. The section has to redeem its character, for there is no possibility of denying that it has fallen far short of what might reasonably have been expected after the animated and fruitful meeting with which the Association commenced its existence. It will be very unfortunate if the society should be allowed to dwindle into insignificance through the indifference of those who ought to be its working members. Those who are anxious to promote any reform cannot have a more favourable opportunity than is afforded by meetings at which leading statesmen of all parties take a prominent part. Half the reformer's battle is done when he can get a good hearing, and the real value of the Association consists in this, that it enables the supporters of any sensible movement to secure the co-operation of men whose political influence will supply the force which is necessary to convert the plans of thoughtful minds into substantial legislative reforms. It would be a great pity to let so favourable a means of promoting legal and other improvements be lost for want of a little energy to turn it to account.

Legal News.

WEST RIDING REGISTRY.

A paper read at the meeting of the British Association, by the deputy registrar, states, that the West Riding Registry was established in 1704. The first chief object, as stated in the Act of Parliament, was, that the West Riding of the county of York, being the principal place in the North for the cloth manufacture, and most of the traders therein being freeholders, they had frequent occasion to borrow money upon their estates, for managing their trade; but for want of a register, they found it difficult to give security to the satisfaction of the money-lenders, although the securities they offered were really good. Trade was thus much obstructed, and many families ruined; and therefore a register, by memorial, of deeds and wills was established:—a register not compulsory, but at the election of the party or parties concerned. The second object contemplated was, that as freehold property may be so secretly transferred or conveyed from one person to another, such as were ill disposed had it in their power to commit frauds, and frequently did so; by means whereof persons, who through many years' industry in their trades and employments, and by great frugality, had been enabled to purchase lands, or to lend moneys on land security, had been undone in their purchases and mortgages by prior and secret conveyances, and fraudulent incumbrances; and thus not only themselves, but their whole families thereby utterly ruined:—for remedy of this evil also, the register office for the West Riding was established.

That registry which the law thus permitted has now, for a long series of years, become the ordinary practice. Purchasers and mortgagees now very rarely fail to exercise their right of require the registry of their deeds; and it would perhaps scarcely be possible at this time to find a freehold estate in the West Riding which is not affected by a registered document.

Passing by the years 1704 to 1710, as altogether exceptional, the system of registry being during that time scarcely developed, it may be noted that while the yearly average of the registries from 1711 to 1720 was only 838, the average from 1791 to 1800 had arisen to 2355; nearly fourfold of the first-mentioned period. And again, taking the average from 1841 to 1850, it rises to 5138; having more than doubled itself in the first half of this century; and being more than six times the number of deeds registered annually in the earlier part of last century.

This increase of transactions in landed property is nearly in proportion to the increase in the population of the West Riding; which was in

1801	572,168	1831	984,609
1811	662,875	1841	1,163,580
1821	909,363	1851	1,325,495

The details show that the increase in the number of deeds registered annually has been pretty gradual: not invariably an accession every year; occasionally, like the waves on the seashore, one or two years falling short of their immediate predecessors; but yet the tide, as a whole, flowing steadily on. In 1851, however, this gradual increase was changed for a much more rapid rise; far greater in proportion than the increase of the population. The previous year, 1850, had shown the largest number of deeds registered, namely, 5950; the year 1851, however, reached 8009; an increase of more than one-fourth in a single year. In 1853 the largest number of all was attained, namely, 9910; but that amount has not been maintained in the subsequent period, down to the end of the last year.

It is natural to inquire, how this large accession of transactions in real estate arose? The answer is obvious. In October, 1850, the new Stamp Act came into operation, by which the duties payable on conveyances and mortgages were very largely reduced. The increase of registries in 1850 was altogether in the fourth quarter of that year; dating, in fact, from the very week in which the new rate of duties commenced; while the whole of the succeeding year, and, indeed, down to the present time, the effect of this reduction in taxation continues to be felt.

Since 1853, as has already been mentioned, the tide has ebbed; but this can scarcely be said to affect the question of the tendency of a lower rate of duties to increase materially the number of transactions. The Crimean war; the commercial condition of the country; and last, but not least, the facilities of investing money in railway debentures; have all tended for the time to reduce the number both of sales and mortgages.

The mention of railways leads to the question of the effect which the large number of conveyances to those companies may have had in the annual average of registries. It is sufficient to state that, going as far back as 1831, the total down to 1857 is 3186; the smallest number being in the year 1837, three; the largest, in 1847, 322. The influence, therefore, of the conveyances of land for the formation of railways in the West Riding, which has often been supposed to be very considerable in increasing the number of registered deeds, really proves to be exceedingly small; indeed, it would be more correct to say that they by no means fill up the vacuum, which the diversion of such an immense amount of capital into that channel has created in land transactions.

Beginning with the year 1843, the operations of building societies have gradually assumed some importance. The number of deeds in connexion with the societies has risen from 31 in the year 1848, to 637 in 1857; the largest number being 682, in the year 1855. The total of the last 15 years is 4608; that is to say,—

In the 5 years from	1843 to 1847	they were	192
"	1848 to 1852	"	1379
"	1853 to 1857	"	3044
Total			4,608

This total does not represent that number of separate cottages and gardens, which the operatives of the more thriving towns of the Riding have acquired by means of their weekly savings; for a proportion, though not a large one, consists of mortgages. But this at least is certain, that the number of operatives of Leeds, Sheffield, Bradford, Doncaster, Wakefield, and other important towns, is becoming considerable, who systematically lay aside a portion of their earnings, either to lend their savings on interest to the building societies, or for the acquirement of their own small freehold. This system of saving by the working classes, it must be obvious, is a very important one; and whatever legislative and other means can be employed to foster it, are worthy of all consideration. Its tendency must be to raise the character and condition of the operative; to increase his repugnance to strikes; and to relieve the pressure on the poor-rate in times of distress. The operative who has practised the habit of saving for this particular object, will probably not shake it off the moment he has secured it; but will continue the practice for other good and useful purposes, as, for instance, the better education of his children, if only pains are taken to press those desirable objects upon his attention.

A system of registry, then, which enables a vendor or mortgagor to show readily that he has a satisfactory title, and which secures the purchaser or mortgagee against secret or fraudulent conveyances, must be a benefit, provided the cost of its attainment be not too great. The opinions upon this question of benefit may be classed under three heads—1. In Yorkshire; possessing the system, it is natural to find a bias in its favour. 2. In non-register counties; the supposed expense is often alone considered; without taking into account its concurrent advantages of economy and security. 3. Passing then these two classes by, the opinion of those gentlemen who practise both in a register and in non-register counties, becomes of all the more importance, and must necessarily be entitled to consideration. In no case have I ever heard gentlemen so situate express a doubt, that a well-considered system of registry must be a boon to the public. They have invariably stated it as their experience, that property situate in a register county is dealt with more readily and securely; and that the title is much more easily cleared up.

The distinctive feature of the West Riding registry is, that while any one may search and inspect its records, there is, nevertheless, no exposure of private affairs. The credit of the manufacturer who may find it convenient to mortgage his real estate, for the extension of his business, or for any other purpose, can never be brought in question by curious and inquisitive persons. As I have just said, all may search; but only those entitled to know, will, so far as actual ownership, and the amount of incumbrances, are concerned, obtain any information. The modern Bills which have been brought before Parliament have generally aimed at a more complete exposure of the nature and amount of each transaction. None of these Bills have been passed; and it is very possible that the old English objection to any supposed unnecessary exposure of private affairs has had much to do in bringing about this result.

And this leads me to speak of another point connected with the subject of a general registry. It has often been urged against it, that the number of documents might be so enormously great, that error and confusion might easily arise; or that the cost of searches might become so oppressive, as materially to affect the market value of land. I do not think there is any force in either of these objections. Not that I would be understood to advocate the establishment of one great central office, where all the deeds of the kingdom should be thrown together, as it were, in one mass; but rather a series of local offices, conducted on one uniform principle. I feel no hesitation in saying that numbers are no difficulty in the formation of a good index. A search in the 136,000 deeds registered at Wakefield during the last century is a troublesome and costly process. While a reference to the 263,000, registered during the present century, is made with comparative ease. The construction of the index explains the difference. In the latter case, on opening three volumes, to a definite page, each volume being arranged in the same order as a dictionary, the whole of the deeds registered during fifty-seven years will at once be found under each separate name. It may be added, that the more perfect the system of registry, the more perfect may the structure of the index be rendered.

And this reminds me to say that the system of registry in the West Riding can scarcely be said to be perfect. Possibly, the principle—as a registry of deeds distinct from a registry of titles—could not be materially improved; but some of the details might be so varied as to afford greater facilities, and a reduction of expense. To state one instance; judgments are registered at Wakefield as incumbrances on real estate; and the same Act prescribes the mode in which satisfaction of such judgments may be entered up. The total number of judgments registered, up to the end of 1857, is 4580; while the number of satisfactions of such judgments has been 614; about one in seven only. There can be little doubt that many more judgments are really paid or satisfied; but the requirements of the Act for entering up satisfaction are so needlessly troublesome and costly, that they are nevertheless allowed to remain from year to year on the register, as apparent incumbrances. It must be obvious that the Act, in this particular, defeats itself, and requires revision.

REPORT ON RAILWAYS.

Captain Douglas Galton has made a report to the Board of Trade on railways for the year 1857. It states that the total length of line authorised by Parliament down to the end of 1857 amounted to 15,331 miles; but of this 1504 miles have been abandoned by subsequent local Acts, or by warrants under the authority of a general Act passed in 1847; and, consequently, there remain 13,827 miles for which the Parliamentery powers have not been repealed. Of these 9019 miles were open at the end of 1857, and 4808 miles remained to be opened—namely, 3307 miles in England and Wales, 573 miles in Scotland, and 928 miles in Ireland. 384 miles of new line were opened in 1857. Ont of the 4808 miles which have not been opened it is probable that, in consequence of certain powers having expired, 2590 miles will never be made. The length of new line reported to be in course of construction on the 30th June, 1857, was 1004 miles; of these about 230 miles were opened before the end of 1857, and the number of persons employed on them was 44,037, being, on the average, nearly 44 persons per mile on the 1004 miles. The length of line open for traffic in the United Kingdom on the 30th June, 1857, was 8942 miles, and the number of persons employed thereon amounted to 109,660, being about 12¼ per mile. The number of stations was 3121.

With regard to the money invested in railways, the report states that the capital raised on the 31st December, 1857, amounted to £314,989,626, representing an expenditure of £34,950 per mile of railway open. In making this estimate, it must be recollected that the lines reported to be in course of construction amount in length to about one-ninth of the whole length completed and in course of construction, and that some portion of the cost per mile belongs to these lines. Although the cost of railways in the United Kingdom averages £34,950 per mile, the average cost of the independent lines of railway for which the Acts have been obtained since 1848, and which are now opened for traffic, has only amounted to £11,823 per mile. Of these railways, those opened in England have averaged £14,559 per mile; those opened in Scotland, £7,243 per mile; and those opened in Ireland, £7,303 per mile.

The preferential and loan capital invested in railways at the end of 1857, amounts to 43 per cent. of the whole capital; and the interest which has to be paid upon the preferential and loan capital averages nearly 4¾ per cent. The net receipts on railways give an average interest on the whole capital invested of 4 per cent., but the preferential charges reduce the interest on the ordinary capital to about 3¾ per cent.

During the year 1857, £6,213,932 of additional capital was invested in railways. It was not, however, all invested in new lines, for the existing lines which have made no additions to their length, for several years, have continually increased their capital. Thus, upon twenty-nine railways, having an aggregate length of 1200 miles, the capital increased from £39,000,000 on the 31st December, 1853, to £43,000,000 on the 31st December, 1857. Leaving out of consideration the preferential charges, the net receipts in England give a dividend of nearly 3¾ per cent. in 1854, and 4¼ per cent. in 1857, and a similar increase appears in regard to Scotland and Ireland.

The working expenses of railways have increased, in England and Wales, from £1352 per mile in 1854, to £1564 in 1857; but they have decreased in Scotland and in Ireland, in the same time. The general average of working expenses throughout the United Kingdom has been 47 per cent. upon the gross receipts, both in 1856 and in 1857.

The number of Railway Bills which came before Parliament in the session of 1857 was 130, and the length of new lines proposed amounted to 1470 miles. Of those Bills only 82 were passed, and the total length of line authorised was 663 miles. Of the 82 Acts passed in 1857, 53 had reference to the construction of works. The lines authorised in England and Wales were chiefly extensions of existing railways, or short lines, which will, when opened, form feeders to existing railways.

QUARTER SESSIONS.—NEWCASTLE-ON-TYNE.

A misunderstanding between the recorder, Mr. William Digby Seymour, and the members of the Northern Circuit who have been in the habit of attending the Newcastle Sessions, originated in Mr. Seymour having changed the day on which the sessions had long been held, which had been extremely convenient to the bar, because they attended Durham Sessions on the Monday and Tuesday, Newcastle on the Wednesday, and Northumberland on the Thursday. At present they complain of being brought first to Newcastle, then south to Durham in the following week, and next, towards the end of that week, north again to Northumberland.

On the 11th inst., the bar met as usual in the Merchants' Chamber, adjoining the Guildhall; but in accordance, it is said, with a resolution come to on the previous evening, dispersed without robing or entering the court. After the Recorder had delivered his charge to the grand jury, Mr. Lawes made his appearance alone. When the grand jury had found a true bill the brief for the prosecution was handed, as a matter of

course and necessity, to Mr. Lewers. After the case had been opened Mr. John Davison, unrobed, entered and took his seat at the barristers' table: he was followed by Mr. Fowler, who also took his seat unrobed. After remaining in court a few minutes they left. The consequence was, that, with the exception of one, the whole of the briefs for the prosecution fell into the hands of Mr. Lewers, and that the Recorder had himself in one case to conduct the prosecution, Mr. Lewers having originally been retained for the defence; and that attorneys pleaded at Quarter Sessions.

The RECORDER, in reference to what had occurred, addressed the grand jury in effect as follows:—Gentlemen, I should discharge you without any comments; but I consider it my duty to make a few remarks with regard to the conduct which the bar have thought fit to pursue. I have a perfect right to fix my sessions at what time I think most convenient, first to the public, then to the bar and to myself. I am bound to hold the sessions four times a-year, but the days, it is mine to fix. Now, with regard to this occasion, several members of the bar are connected with county families, and, this being the long vacation, are resident more or less in this neighbourhood or in the adjoining county. Others are practitioners in this town. I took it for granted that in holding my sessions a few days before the ordinary county sessions of Durham and Northumberland, I should not be going against the rea convenience of the many; but I was not content with speculating on this, because when at the Liverpool assizes I intimated to some members of the bar my intention to hold the sessions this week. They had a month's notice before we assembled here to-day, but neither at Liverpool, nor since the notice has appeared, has a single murmur reached my ears. No member of the bar has called at or written to my chambers in London, although I was there daily till just lately, asking me to fix the sessions at a more convenient time, or stating that this was inconvenient. The bar always have found me, whatever provocation I may have been subjected to, ready in every way in my power to consult their convenience; and had such a course been taken, I should have cheerfully and gladly adopted a course which might be equally convenient to me, and more convenient to them. I must now refer to the conduct which has been pursued to-day. Had the gentlemen been content with coming into the town, and leaving it without appearing in this court, I should, perhaps, have merely considered that they acted foolishly for their own interests; but when they added the studied indignity, which has been offered to me here to-day, then I am bound in my judicial capacity to notice it, because it is not that the gentlemen assembled and left, but that they delegated two of their body to come in and sit in this court, unrobed, under my bench. I think conduct like this it is very sad to see. Let the bar have their own proper, separate course, one towards the other: but I do think it a scandal and an outrage to public justice and decency, that an attempt should be made to disturb my feelings and my composure, here, in this seat of justice, by a studied indignity like that. Since I have sat on this bench as your recorder, now nearly four years, I have never met with the customary sympathy and support of the bar. It is true there have been exceptions; there has been to-day a generous and honourable exception to the general course; but I appeal to the town of Newcastle and to those who practised before me in this town if they have ever seen my temper ruffled, have ever seen me irritated, or the dignity of justice ever suffer in my hands on account of these things. I hope I may make this appeal to the town; I hope that the inhabitants of this town will allow that I have endeavoured to administer justice equally, indifferent to criticism from whatever quarter it may come, provided my own conscience tells me, that that criticism is not fair, generous, or just. In this spirit I shall continue to sit here. There is no fear that the public interests will suffer. I will venture to say, that if it had been known among my brethren of the Northern Circuit that such a course was meditated here to-day, there would have been twenty gentlemen here ready to take care that justice was administered, that it should not suffer, and that such a scene should not take place; and if no one came I trust I should have been equal to the emergency. I know what it is to sit here, and I am anxious that the town of Newcastle should have confidence in me. I am anxious that there should be no mistaken feelings about what has taken place. I have told you what are my rights; I have shown in what they have done wrong; I have told you the spirit which has always animated me; and all that I can say is, that as long as I sit here I hope I shall endeavour, whatever course may be pursued towards me by my professional brethren, to administer calm, even-handed, and impartial justice, so that the town of Newcastle, at all events, will not have reason to blush for the conduct of its Recorder. Gentlemen, I am sure you will pardon these observations, because the case is one of a very peculiar nature; and I were more than man or less than man if I did not feel touched at the course of these proceedings. I thank you cordially for the attention you have paid me while I have made those remarks which I felt bound to make, and I now dismiss you with the thanks of the town for your attendance.

On the 7th, 8th, and 9th inst., the liquidators of the District Bank, Newcastle-on-Tyne, paid the first dividend of 5s. in the pound to the depositors in the bank.

The claim of the Free Church ministers to be placed on the register of electors as life-right tenants and occupiers of their manses was allowed in the Registration Appeal Court for the northern counties.

The Lord Chancellor is re-arranging the districts of the County Courts under the recent Act of Parliament (21 & 22 Vict. c. 74); and it is expected that the re-arrangements will shortly be promulgated.

ATTENDANCE AT THE JUDGES' CHAMBERS. — Mr. Justice Hill will continue his sittings on Tuesdays and Fridays, at ten o'clock, until the end of the vacation.

Legislation of the Year.

21 & 22 VICTORLÆ, 1857-8.—(*Continued.*)

CAP. LXXXVII.—*An Act to continue and amend the Corrupt Practices Prevention Act*, 1854.

Unless intended as a silent confession of imperfection, it is not easy to see the object of making a statute for the purification of our Parliamentary representation from the taint of bribery and corruption, temporary only in its character. It was, however, thought expedient to adopt that course in the year 1854, when the laws relating to "bribery, treating, and undue influence" at Parliamentary elections were consolidated and amended by 17 & 18 Vict. c. 102. That Act, unless it had been continued, would have expired in 1856; but its existence was then prolonged by 19 & 20 Vict. c. 84, till the end of the session which has just expired; and, by the Act under discussion, it has been again prolonged till the end of the session following the 10th of August, 1859. In the continuation Act of 1856, no change was made in the original statute; and though in that now under discussion no attempt has been made to interfere with the clauses prohibiting bribery, treating, and undue influence, or with the main features of the scheme for preventing these offences by the medium of "election auditors," and "agents for election expenses," yet a few of the defects in the Act of 1854, which had been rendered conspicuous by the incidents of the general election of last year, have been now dealt with; and, in particular, the delicate and difficult question as to the travelling expenses of voters, left in such an unsatisfactory state after all the expensive litigation which took place in the case of *Cooper* v. *Slade*.

The objects, then, of the Act under discussion (besides that of again continuing the 17 & 18 Vict. c. 102, for a limited period), is to amend that statute in the following three points:—

1. The persons by the 2nd section of the Act of 1854, declared "to be deemed guilty of bribery," were divided into five classes, and among these were included every person who should "directly or indirectly, by himself or by any other person on his behalf, give, or agree to give, or offer, promise, or promise to procure, or to endeavour to procure, any money to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting;" or who should "corruptly do any such act as aforesaid, on account of such voter having voted or refrained from voting at any election." This part of the definition of bribery, however (as indeed all the rest of that contained in this 2nd section), was qualified by a proviso that it should not extend to any money paid, or agreed to be paid, for or on account of any legal expenses bonâ fide incurred at or concerning any election; and the question raised in *Cooper* v. *Slade* (stated in a general way) was, whether the payment, by or on behalf of a candidate, of the bonâ fide travelling expenses incurred, or to be incurred, by those who voted for him, came within the general definition of bribing above mentioned; and if it did, whether such payments were taken out of it, by the effect of the proviso, as falling under the description of "legal expenses," bonâ fide incurred at or concerning the election.

This question is intended to be answered by the 1st section of the Act under discussion; but the definition of bribery given in the Act of 1856 is not, it may be noticed, referred to in any way whatever. The new provision, therefore, stands by itself in terms, though in point of legal effect it must be deemed to have been inserted immediately after, and in explanation of, the proviso as to "bonâ fide legal expenses," at the end of sect. 2 of 17 & 18 Vict. c. 102. It declares that it shall be lawful to provide conveyance for any voter for the purpose of polling at an election, and not otherwise; but that it shall not be lawful to pay any money or give any valuable consideration to a voter for or in respect of his travelling expenses for such purpose. For the future, therefore, the cost of bringing up voters to the poll in hired conveyances is expressly made part of the legal expenses of an election. Some safeguard, however, against abuse of this novel permission is attempted by the insertion of a proviso, that a "full, true, and particular" account of all payments made for hiring conveyances, signed by the candidate or his agent, must be delivered to the election auditor, with the names and addresses of the persons to whom such payments have been made; and that such statement is to be included in the general account of the expenses made out and published by that officer.

2. Another defect in the Act of 1856, intended to be remedied by that under discussion, was in reference to the position of the election auditor. By 17 & 18 Vict. c. 102, s. 34, his remuneration from each candidate was fixed at a per-centage of £2 on every payment made in respect of any bill, charge, or claim sent in, and this in addition to £10 from each candidate by way of a first fee. By the Act under discussion, this per-centage is now only to be payable on payments over the sum of £200; and is, moreover, to be further restrained, if necessary, so that the whole sum paid to the auditor by each candidate (including the first fee) shall not exceed £20. This is a very useful provision. Under the former arrangement the election auditor not only had a direct interest in passing a variety of petty accounts, checked with much difficulty, but he often received from each candidate a remuneration altogether disproportioned to the services actually performed. Moreover, under the Act of 1856, no restriction was placed upon an election "auditor" being also an election "agent," in respect of the same constituency—a position manifestly inconsistent with the impartial performance of auditorial duties. All that is said on this subject in that statute is, that, by the 15th section, he is required to be "a fit and proper person." By the Act under discussion, however, it is now expressly declared that no election auditor of any borough or county (or his partner or agent) may act as the election or paid agent, or as canvasser, for any candidate for the same borough or county.

3. Finally, the interpretation clause of the Act of 1856 defines the words "candidate at an election," to include persons elected or nominated, or who shall have declared themselves candidates at or before the election. By the Act under discussion this is altered, by defining the meaning of "before" the election, which was a period the limit of which was left by the original Act in obscurity. For the future the declaration which will give rise to liability as a candidate may be either on, or at any time after, the dissolution or vacancy occasioning the election. The words used in the Act are, that such liabilities shall attach to "all persons who shall have declared themselves candidates on or after the day of the issuing of the writ for such election, or after the dissolution or vacancy in consequence of which such writ shall have been issued." It would seem, however, that this reference to the time of the issuing of the writ is unnecessary, as the dissolution or vacancy must in all cases *precede* the issue of the writ. The Act under discussion also supplies an omission in the former statute. Under this Act, a person might happen to incur the liabilities of candidateship by being nominated at the time of election, though without his consent, or even against his wishes. A proviso against this, however, is contained in the definition of a candidate, which has been substituted for the previous one, in the Act under discussion.

CAP. XC.—*An Act to regulate the Qualifications of Practitioners in Medicine and Surgery.*

With some of the provisions of this statute (which, in accordance with the new fashion, contains a clause by which a short title is conferred on it, viz. "The Medical Act"), our readers can have so little to do, that, though the statute itself forms an important part of the legislation of the past session, the space at our command will not be taken up with these clauses. Among these fall those sections, which chalk out the general features of the new scheme for centralising the subject, by the establishment of a "general council of medical education and registration," in which shall be represented the different medical schools of the United Kingdom. But there are some parts in the Act of which an account shall here be given, as they incidentally affect the rules of evidence and other branches of general law.

And, first, we will mention clauses which touch on the subject of evidence. Certain powers are, by the Act, vested in the Privy Council, with reference to the qualifications which are to confer on practitioners the right to be registered. By the 24th section, any written or printed order or act of council in this behalf, if purporting to be signed by an authorised clerk, is to be received as evidence "in all courts and before all justices and others" without proof, until it be shown to have *not* been signed by the council's authority. A similar provision is made by the 27th section, with regard to the proper evidence that any particular person is duly registered according to the Act. If his name appears in a copy of the "Medical Register" for the current year, which is to be published under the direction of the General Council, it shall be sufficient. On the other hand, the absence of the name from the Medical Register is evidence that such person is *not* registered, until the contrary be made to appear, as it may be by producing a certified copy of registration, under the hand of the registrar of the General Council, or of any branch council. With regard to the registration required by the Act by each medical practitioner, it is provided by s. 15 that he must produce to the registrar the document conferring or evidencing his qualification, or, at least, transmit to that functionary, by post, information of the claimant's name and address, and "evidence" of the qualification, and of the time when it was obtained; and by s. 26, no qualification is to be entered unless the registrar be satisfied "by proper evidence" that the person claiming is entitled to it. As to these provisions, it may be remarked that though, if the diploma or other document can be produced, no difficulty seems to arise; yet in the case of aged practitioners, now called upon to produce a document long since obtained, and perhaps mislaid, hardship and injustice may well happen; for, by the section last cited, such persons would seem to be practically remitted to the sole judgment of the registrar (for, though an appeal is given to the council, it cannot fail to be too expensive for ordinary use), and he is required to be satisfied with "proper evidence;" but what proof is to fall under that description, is not specified.

Secondly, the legal position of medical practitioners with regard to their registration requires consideration. And, in the first place, we may notice that while, by the 32nd section of the Act, the plaintiff in every action brought to recover, in any court of law, his charges for any medical or surgical advice or attendance, or for the performance of any operation, or for any medicine which he shall have both prescribed and supplied, must, as part of his case, prove his registration under the Act; so (on the other hand) by the preceding section it is enacted that *every* registered person may recover such charges in any such court, together with his full costs of suit. Under this provision, a considerable change is wrought in the legal position of *physicians*, who (as distinct from surgeons and general practitioners) have hitherto been unable to maintain actions for their fees—their services being, in the eye of the law, of the same honorary character as those rendered by barristers, unless, indeed, in such a special contract between the patient and the physician employed, as was proved in *Veitch* v. *Russell* (3 Q. B. 928). The Act, however, proceeds with a proviso that any College of Physicians *may* pass a bye-law to the effect that no one of their fellows or members may sue for their fees; and that this bye-law may be pleaded in bar should an action be commenced. It thus remains to be seen by experience whether the feeling of the profession is in favour or otherwise of any change in the existing law in this respect. We may here remark that the privileges of medical practitioners with regard to their exemption from various offices, in order that their services may be always available, are recognised, defined, and extended, by the 35th section of the Act: for, every registered person is to be exempt, *if he shall so desire*, from serving on any juries, inquests, parochial and other local offices, and also from the militia.

Thirdly, the penal clauses of the Act require some notice. Any registered person convicted, in England or Ireland, of felony or misdemeanour (or in Scotland of any crime or offence), or who shall, after due inquiry, be judged by the General Council to have been "guilty of infamous conduct in any professional respect," may be erased from the register by order of the Council (s. 29). To procure, or attempt to procure, a registration by any false or fraudulent representation or de-

claration is made a misdemeanour (or, in Scotland, a crime and offence), punishable by fine and twelvemonths' imprisonment (s. 39); and wilfully and falsely to pretend to or use any medical title or description, subjects the offender upon a summary conviction to a fine of £20 (s. 40). It is observable, however, that except negatively, by rendering registration a condition precedent to recovering charges by law, the Act contains no new clauses prohibitory of practice by unqualified and unregistered persons. As to the recovery of penalties, the mode of proceeding for such as are incurred by summary conviction, is directed by the 41st section of the Act to be (so far as England is concerned) in the manner directed by the 11 & 12 Vict. c. 43, the Act passed in 1848 regulating the proceedings before magistrates with regard to summary convictions and orders.

Correspondence.

EDINBURGH.—(*From our own Correspondent.*)

The justiciary judges have finished the south and west circuits, and it is expected that the north circuit will be finished this week. No cases have occurred on the two first circuits which call for any particular notice except one, which is of so unusual a description as to merit a short report. It appears that there is in Ayrshire, as there is in most of the counties of Scotland, an agricultural association, which offers annual premiums for competition among exhibitors of stock. This association held a meeting in April last, at Ayr, for the exhibition of stock, at which various premiums were offered. A man, James Paton, a farmer at Bankhead, in the county of Renfrew, among other stock, exhibited one two-year old bull, for which he was awarded a premium of five sovereigns; and another two-year old bull, for which he was awarded a premium of one sovereign. Before the premiums were paid, however, it had been discovered that immediately before the meeting the skins of both bulls had been punctured in several places, and inflated with air, and that one of them had been furnished with a pair of artificial horns, made, it is understood, of gutta percha. The secretary of the association was, accordingly, directed to withhold payment of the premiums.

The matter naturally occasioned a good deal of gossip, and at last came to the ears of the Procurator Fiscal, and in the ordinary course of business was laid before the Lord Advocate, who resolved to prosecute Paton for falsehood, fraud, and wilful imposition, a crime well known in the law of Scotland. An indictment was accordingly preferred against him, which, after narrating the premiums offered by the association and the appointment of certain persons as judges to award these premiums, sets forth thus: "And you, the said James Paton, having punctured, or caused to be punctured, and inflated with air in one or more places, the skins of three or of one or more bulls, and having also affixed, or caused to be affixed, to the head of one of the said bulls, false or artificial horns, the said horns being so fixed as to represent, and being intended to represent, and to be taken for natural horns; all this, or part thereof, being done to the said bulls, or one or more of them, for the purpose of giving a better and more symmetrical appearance to the said bulls, or to one or more of them, than they or it truly and naturally possessed; or at least you, the said James Paton, well knowing that the said bulls, or one or more of them, had their or its skin punctured and inflated as aforesaid, and that one of the said bulls had false or artificial horns as aforesaid, for the purpose aforesaid, did wickedly and feloniously, falsely, fraudulently, and wilfully, time and place above libelled, exhibit the said bulls, in competition for one or other of the foresaid premiums, and this you did, or part thereof, with the false and fraudulent intention of imposing on the said society or association, and on the judges appointed as aforesaid, and of inducing the said society or association, and the said judges, or one or other of them, to believe that the condition and appearance of the said bulls, or one or more of them, were superior to their or its true and natural condition and appearance, and of thereby inducing the said society or association, or the said judges, or one or more of them, to award to you one or more of the premiums aforesaid, for one or more of the said bulls exhibited by you as aforesaid;" and it then goes on to say, in technical language, that by all this "the said society or association, or the said judges, or one or more of them, were wickedly, feloniously, falsely, fraudulently, and wilfully deceived, and imposed upon by you, and in consequence thereof," awarded him two premiums as particularly set forth.

An objection was taken to the relevancy of the indictment, but it was overruled; and, as there is no appeal from the Court of Justiciary in Scotland, the case, of course, came to depend entirely on the evidence—which was led accordingly. In summing up, the judge stated that he considered that the public prosecutor, in order to make out his case, required to show that it was in consequence of the imposition which had been practised that the premiums had been awarded; or, in other words, that the premiums would not have been awarded if the imposition had not been practised; and he left it to the jury to say whether the proof for the Crown came up to that point. The jury returned a verdict of not proven.

The death of Mr. Alexander Hunter, W.S., the Sheriff-Clerk of Ayrshire, leaves a valuable appointment at the disposal of the Crown; there are already, as a matter of course, a host of candidates in the field, but no one has yet been fixed upon by the general public as likely to succeed.

THE HAMBURG TRIBUNAL OF COMMERCE.

(*From our Dublin Correspondent.*)

On a former occasion (No. 70, p. 542, ante) a very brief sketch was furnished of the Hamburg Tribunal of Commerce, the constitution and success of that Court having formed the subject of discussion in the Dublin Society for Promotion of the Study of Statistics, Political Economy, and Jurisprudence. The elaborate paper, most obligingly furnished by the Vice-President, or second legal judge of that Tribunal, and which formed the groundwork of the discussion, has since been translated and printed in the Quarterly Journal of the society;* and it may, perhaps, be interesting to our readers to receive further information on the subject of a tribunal which seems to have succeeded better than most of the other continental tribunals of commerce in gaining the favour of legal, as well as of commercial, persons. Subjoined are some additional particulars, selected and condensed from Mr. H. D. Hutton's translation of Judge Versmann's paper.

The Commercial Court in Hamburg consists of a president and vice-president, who are both lawyers, and are paid; also of several commercial judges, chosen from among the Hamburg merchants. The latter render their services gratuitously; and each of them devotes about ten or twelve hours weekly to the duties of the Court, for four or five months in the year. Although the office of commercial judge is honorary, there appears to be no difficulty in inducing merchants to accept it. The obligation, although imposed by the law, is not felt to be very irksome, as the elected merchants generally find that their interest in the business of the tribunal, and the confidence shown by their election, afford an adequate compensation for their sacrifice of time.

The tribunal is formed of two chambers, each consisting of one legal and two commercial judges. Minutes of every proceeding are taken down by the registrar. There is an appeal in all cases, without exception. In all matters involving less than the value of £40 sterling, the appeal is heard by the other chamber, and a second appeal can then only be brought when the judgments of the two chambers differ. The procedure is oral; but in important cases, the advocates are in the habit of communicating to each other brief statements of the case or reply, or, at least, notes of the principal facts, together with copies of documentary evidence, before entering on the verbal pleadings. A part of the procedure which is not to be commended is, the examination of witnesses by deposition before the presiding judge only; that the whole Court should not hear the witnesses themselves would not be tolerated in England. The Court has the right to order, either previous to, or after, the hearing of the case, the parties to appear in person before the presiding judge, with a view to ascertaining the facts, in order, if possible, to bring about a compromise. This regulation is of great value, since by means of it a numerous class of cases, often of the most complicated nature, are every year disposed of by the voluntary arrangement of the parties themselves. The settling of these causes occupies a large portion of the time of the legal judges; but the fulfilment of this office of conciliation is one of the most grateful among their public functions. The Court is authorised to refer matters to the ordinary civil courts, and to order the proceedings before itself to be conducted in writing, where the complication of accounts, or other circumstances, may render it advisable; but either of these steps is very rarely taken, and often does not occur once during the entire year.

The sphere of action of the Court is obviously a large one. Disputes as to its jurisdiction rarely occur. Its competence is

* Journal of the Dublin Statistical Society, Part XII. Dublin: M'Glashan & Co. 1858.

not determined by the amount in litigation, but depends solely on the nature of the question at issue; that is to say, whether it relates to mercantile dealings or not.

In addition to the duty of deciding commercial disputes, the tribunal is charged with the conduct of bankruptcies, and the superintendence of the registry of partnerships and companies. For each function a distinct office exists in common with the tribunal. Another branch is established for the entry of protests in the case of damage or losses suffered by ships at sea.

From the commencement of its existence in its present form (1816) to the present time, this Tribunal of Commerce has enjoyed general (algemeine) confidence; a fact the more remarkable as many persons, chiefly lawyers, were at first opposed to it. The experience of forty years has proved that such a tribunal constitutes an efficacious, perhaps the only means, of obtaining commercial justice; and also that a codification of mercantile law in no way forms an indispensable condition of the existence of such a Court. Among numerous recent suggestions for law reform, it is to be noted that no alteration in this tribunal has anywhere been proposed.

As to the admixture of legal with commercial judges, diverse opinions are doubtless entertained, not only in England, but even among lawyers abroad. The latter are apt sometimes to undervalue the efficacy of the commercial element in the Court. In point of fact, while the advocates regard the legal, so do the litigants themselves look upon the commercial judges as being the real originators of the decisions given.

The learned writer sets a high value on the influence, both direct and indirect, of the commercial judges, since may be assigned to their tact and knowledge of business an important participation in the decision even of the most complicated and difficult questions, while some entire classes of questions fall almost entirely within their province. The change of the mercantile judges (which takes place after five years' service, and has often been objected to), is not practically found to be an evil; for though the merchant doubtless learns much during his term of office, yet experience shows that he who does not, after overcoming first technical difficulties, make a good commercial judge, never afterwards becomes such.

On the other hand, the decision of all, or the greater number, of the questions arising out of commerce, could not be entrusted to merchants alone. Both the nature and origin of commercial law demand the participation of a legal judge. The Court must possess a real and well-grounded knowledge of this branch of law viewed as a whole, if it would not decide cases with reference only to their special circumstances and bearings, or, in other words, if it would not decide them arbitrarily; and such knowledge can be secured to the Court only by associating a legal judge. Moreover, the ordinary civil law must sometimes be applied, the knowledge of which is altogether out of the merchant's sphere. Another strong reason for adding a lawyer to the Tribunal of Commerce is, that a valuable influence is exercised by a judicially and logically trained mind. The merchant does well to rely on his immediate impressions, and his natural tact for business; but it is the duty of the lawyer to make the grounds of his decision clear to his own mind. The concordance of mercantile instinct (so to speak), and of legal science, affords the best guarantee for well-grounded decisions. The judicial culture and habits of thought which characterise the lawyer can as little be dispensed with in this tribunal as knowledge of business and mercantile acuteness. Each supplements the other. The legal element is, moreover, indispensable, because the pleadings are in legal form, and are conducted by lawyers, who must be both understood and controlled by the Court.

It is, also, the peculiar office of the legal judge to preserve that uniformity in the course of decisions, which is of singular importance in commercial affairs.

A diversity of opinion, between the legal judge on the one side, and the commercial judges on the other, rarely occurs; the latter seldom or never making use of their numerical preponderance. So far from any disposition having been found among the merchant-judges to arrogate any right of dictation on matters lying out of their sphere, the best among them have most clearly appreciated the limits within which they have felt themselves more competent than their legal colleague. On the other hand, some of them—even those who at first complained of the sacrifice of time—have not only fulfilled their duties most conscientiously and with great interest, but have voluntarily been re-elected to the office, although entitled to decline further service.

The experience of the French Courts runs counter to these views, in form rather than in substance; for a lawyer is attached to the Tribunals of Commerce in France, under the name of registrar (greffier); and this officer exercises a marked influence over the decisions. But the arrangement which assigns to the legal element a direct and responsible position in the Court, appears preferable to one which obliges it to obtain influence by indirect means. Moreover, dispositions suited to the French are not necessarily adapted for nations of German origin, since the former are, as regards administrative talent, in many ways superior to the nations of England and Germany.

Other considerations also favour the union of the legal and commercial elements in these Courts. The disproportionate sacrifice of time would deter merchants from undertaking the office without such aid; for while the merchant-judges only join in the court sittings, the presiding judge undertakes many additional duties, as examination of witnesses, references for compromise, seizure of ships and goods, correspondence, preparation of written judgments, &c. Besides, merchants are unwilling to assume the entire moral responsibility of pronouncing decisions. In relation to the legal profession and the press, the tribunal needs a strong and sustaining mind, independent of, and superior to, all extraneous influences.

For these and other reasons the learned writer considers it material that the model of the Hamburg Court should be elsewhere followed, a model which it is now in contemplation to copy throughout the whole of Germany.

In a second and briefer communication, Judge Versmann remarks, that the establishment of these Courts undoubtedly encounters great difficulties in England, arising partly from the nature of existing institutions, and partly from the prejudices and misconceptions of a portion of the public. As to the last point, he has observed that many of the very same arguments once urged in Hamburg against the Tribunal of Commerce are now put forward by its opponents in England. The pamphlets and journals of the period have been consulted by him, and they show (he says) to what an extent men are everywhere prone, under like circumstances, to fall into like errors.

From the report of the address delivered, according to custom, by the President of the Hamburg Tribunal, at the commencement of the legal year (March 1, 1858), it appears that the late commercial crisis occasioned a large increase in the business of the tribunal. The large number of bankruptcies which arose at that juncture, and the prospect of the speedy payment of considerable dividends on them, was announced by the President; and this increase of business was declared to be such as to render necessary the appointment of some additional commercial judges, in order that more frequent sittings of the tribunal might be held.

We think that few persons can consider the arguments of the Vice-President of the Hamburg Tribunal without coming to the conclusion that, if ever Tribunals of Commerce are established in England, they must consist of at least one lawyer in conjunction with the mercantile element. Hamburg is certainly entitled to the credit of possessing the most rationally-constructed and efficacious tribunal of the kind, of which the details have as yet been made public.

Review.

The Local Government Act, 1858, *with Notes*. By S. B. Bristowe, Esq., Barrister-at-law. London: Butterworths.

The Local Government Act, 1858, *with an Introduction and Notes*. By Toulmin Smith, Esq., Barrister-at-law. London: Maxwell.

The Local Government Act, 1858, *and the Acts incorporated therewith; together with the Public Health Act*, 1858. By Tom Taylor, Esq., Barrister-at-law, and late Secretary of the General Board of Health. London: Knight & Co.

The Law Relating to the Removal of Nuisances, and the Prevention of Diseases, with the Statutes. By W. C. Glen, Esq., Barrister-at-law, and of the Poor Law Board. London: Butterworths.

Sanitary legislation is beginning to fill a large section of the statute book, and modern as the whole subject is, Parliament has managed, with its customary assiduity, to pile up a mass of Acts partly incorporated with each other, but including also the usual allowance of amending, extending, and repealing statutes. The powers of local boards are not yet reduced to quite so grievous a state of confusion as those by which joint stock companies and some other subjects are regulated, but we are making fair progress in the same direction; and if the same course is persevered in, the sanitary law will be as choice a nest of difficulties as parish law was some years ago, and winding-up law is at the present moment. The last essay of the

Legislature in reference to the public health and analogous matters, is the Local Government Act, 1858; and when we say that it incorporates immediately the Public Health Act, 1848, and mediately the 12 & 13 Vict. c. 94, the 13 & 14 Vict. c. 90, and the 15 & 16 Vict. c. 42, besides portions of the Baths and Washhouses Act, the Lands Clauses Act, the Towns Improvement and Police Clauses Acts, and the Markets Clauses Act; that it comes into contact with sundry other statutes, such as the Nuisances Removal and Diseases Prevention Acts; that it repeals by enactments scattered throughout the statute, a dozen or so of the clauses of the Public Health Act, and parts of some other clauses; and that it superimposes new and conflicting definitions on the old defining clauses of the incorporated Acts—it is scarcely necessary to observe that a reader who took up the Local Government Act, without a good share of previous training or present help, would be in some danger of floundering into a very pretty state of bewilderment, as to the real nature and extent of the powers which it will be lawful for local boards to exercise. There never was an Act which stood in more absolute need of an explanatory commentary, and the annotated editions of the statute will be proportionally welcome. That the time had arrived when the total repeal of the existing Acts, and the consolidation of the whole law in a single statute, would have been the most judicious course, can scarcely be doubted; but despite all the zeal which Parliament sometimes affects for the consolidation or codification of the entire statute book, it always seems to prefer tinkering up each particular subject that comes under its hands to producing a comprehensive and intelligible statute. Strange as it may seem, it is undeniable that the branches of law where the want of consolidation is most felt, are just those which have come into existence during the reign of her present Majesty.

The Local Government Act is not merely a collection of amendments on points of detail applied to the previous legislation of the last few years, but it inaugurates a new principle, or rather resuscitates an old one, which is sufficiently indicated by its title. The scheme of the old Public Health Act was in the main compulsory; the Local Government Act is purely voluntary. The theory of the former Act was, that a number of places in civilised England had been allowed to degenerate into a condition of disorder and filth, that called for the interference of the State in the interests of humanity. The test by which it was to be ascertained whether a town was obnoxious to the quasi penal coercion of the General Board of Health, was derived from its mortality returns; and wherever the annual death-rate exceeded 23 per 1000, which is the case in a very large proportion of our urban districts, the General Board was authorised to send down an inspector to investigate the state of the sewerage, drainage, water supply, and other matters affecting the sanitary well-being of the population. The report so obtained might be made the foundation of a provisional order for the application of the Act, which required the confirmation of a subsequent special Act of Parliament. Even in cases where the specified rate of mortality was not reached, a requisition from one-tenth of the inhabitants was sufficient to set the General Board in action. When the Act was thus applied to any place, a local board was elected to superintend its operation, and a great variety of powers was conferred upon it for the purpose. The General Board of Health was confessedly a mere experiment, and not a very successful one, and its powers having expired, the Local Government Act has replaced the old machinery by a strictly local organisation. The authority exercised by the old local boards is continued in the same bodies without the central superintendence of a general board, which is replaced, to a certain extent, by that of the Home Secretary; but the only way in which any new district can be placed under the government of a local board is by the vote of the council or board of commissioners, if there be such; or, if not, by a meeting to be called of the owners and ratepayers within the district. Besides this general change of policy, which has superseded many of the provisions of the Public Health Act, many alterations in detail are introduced, by which the powers of local boards are to some extent enlarged; and it is chiefly in pointing out these modifications of the law that the notes annexed to the clauses of the Act in Mr. Bristowe's edition will be found valuable. So much is done in this way to explain the bearing of the new statute on the former law that it would probably have added but little to the editor's labour to have converted what is now merely one annotated statute into a complete digest of the branch of law to which it relates. The whole substance of such a work is to be found, in fact, in the brief notes scattered through the pages of this edition, but the convenience of the book would be vastly increased if the information which it gives were entirely self-contained, instead of being dependent on references to a host of other statutes. As it stands, Mr. Bristowe's edition will be of great service in enabling local boards to ascertain the precise effect of the new Act in enlarging and modifying their powers, but a brief digest of the law comprised in all the modern sanitary statutes, pointing out the provisions of each which remain in force, and indicating those which have been repealed, would be a really invaluable book, not merely to lawyers, but to all who are concerned in the now prevalent movement for the sanitary improvement of towns. Any one who is tolerably familiar with the earlier Acts, and has them ready for reference when required, will get on well enough with the assistance afforded by this edition; but if Mr. Bristowe is disposed to confer a real service on the members of local boards and the promoters of sanitary improvements, he has only to change the form of his second edition, and incorporate, between the two covers, all the statute law by which the subject is directly affected. Men who are not lawyers, and perhaps even lawyers themselves, find it an immense advantage to have all they want to know upon a particular topic comprised in a single book; and with the materials for the purpose which are contained in this unpretending little book it would be extremely easy for the editor to develop it into a hand-book, which would serve as a recognised guide to the members of local boards. In other respects, there is little exception to be taken to this edition. It might, however, be improved by an occasional reference to some Chancery decisions, such, for instance, as *The Manchester, Sheffield, and Lincolnshire Railway Company* v. *Worksop Board of Health* (5 W. R. 279), and *Stainton* v. *Metropolitan Board of Works* (5 W. R. 305), the editor having apparently contented himself for the most part with the Common Law decisions.

The edition by Mr. Tom Taylor has the recommendation of being accompanied by reprints of the Consolidated Acts, but the notes on the new statute are less precise and explanatory than those given by Mr. Bristowe. Mr. Toulmin Smith's edition is rather a hostile criticism of the statute than anything else, and will be more especially useful to those who are concerned with the amendment rather than with the administration of the law. Mr. Glen's little treatise on the Law relating to the removal of Nuisances and the Prevention of Diseases, will be of great service in guiding local authorities safely through the intricacies of the many statutes which more or less affect the subject. None, however, of these books, supplies complete guidance to local boards in the exercise of all their functions; and we hope that one or other of the learned editors will be induced to try his hand at a comprehensive digest of local government law.

Metropolitan and Provincial Law Association.

The following paper on Chancery Procedure-General Orders, was read by Mr. T. Kennedy, of London, at the meeting held at Bristol on the 5th inst.:—

"Having, in the paper which I read at our last meeting, at Manchester, given an historical account of the jurisdiction and procedure of the Court of Chancery, including all the recent improvements in the practice in the year 1852, it has been suggested to me that it would be desirable to call attention at this meeting, in as narrow a compass as possible, to what further improvements may be made to assist the suitor and the practitioner through the dreaded labyrinth of the Court of Chancery.

"The subject well deserves to be treated of more elaborately and at length than I am now prepared to treat it, but the objects of our society, as shown by the proceedings at Manchester last year, are best answered by a short statement raising points for discussion rather than by the reading of a lengthy paper.

"All, therefore, that I propose to do is, to refer shortly to some matters which have come under my own notice, as requiring amendment, and to point out the great advantage which would be conferred on the suitors and the profession by the codification and classification of the Orders relating to the practice of the Court.

"With regard to the beneficial effect produced by the alterations made in 1852, there can be but one opinion, and the only wonder is, that the old system should have been continued so long. They removed the delay and expense occasioned by the length of pleadings, by the necessity of bringing before the Court unnecessary parties, by the obstruction occasioned to the suitor by technical rules, applied to every case, to meet diffi-

culties or objections, which might occur in one case out of 100. They also remedied one of the great imperfections of the old system—the defective jurisdiction of the officers of the court, to whom was entrusted the working of the machinery of the court—and I may safely say, after six years' experience, that they have been attended with much greater success than might fairly have been expected in making such a great revolution in the practice of the Court.

"There is, however, besides some minor points which may require alteration, whenever it may be deemed expedient to remodel the General Orders, one part of the new system which, I think, all who have had experience upon the subject will agree with me has proved to be a complete failure, and has entailed upon the suitors considerable unnecessary expense; I mean the regulations relating to Conveyancing Counsel. The expense of sales made under the direction of the Court is now much increased by the necessity of submitting the abstracts and the conditions of sale to those gentlemen. In small estates the grievance is, of course, more intolerable. Monopolies are always prejudicial to the public interest, and the mischief occasioned by making it obligatory in all cases to have a title investigated by one of six gentlemen, eminent in their profession, who set their own value upon their labour, be they ever so liberal with regard to fees, is obvious.

"Formerly the suitor could select his own counsel, who, in many cases, from a previous knowledge of the title, was not only better able to advise his client at less expense, but more effectually for his interest. But now the title must be submitted to a stranger, who has not the same inducement to assist in removing difficulties, and protecting the suitor in whose behalf he is acting, as a gentleman employed by the suitor himself, who looks to future business by zealously attending to the interests of his client, and by not seeking more than a fair remuneration for his services. I am not making this observation as reflecting upon the gentlemen of high standing who now fill the office of Conveyancing Counsel; but rather to show theoretically the evil which arises from the position in which they are placed. There has, indeed, been one instance in which the amount of the fee claimed was made the subject of complaint; but the matter was not brought to the judicial cognizance of the Court; it is, therefore, unnecessary further to allude to it.

"It is true, the Act provides that the fees of the Conveyancing Counsel are to be settled by the taxing-master; but as this necessarily involves an application to the Court, at the risk of costs, it is obviously a very ineffectual check, the fees being paid before the papers are obtained.

"That these appointments have not really any other effect than giving to certain gentlemen a monopoly of the conveyancing business of the court is evident from the circumstance that their decisions are not binding upon any one, and that they only afford the judges the means, in matters in which the sanction of the Court is required, of having the assistance of eminent conveyancing counsel, selected by the Lord Chancellor for the time being, who appoints them. It is easy to see that this purpose would be as satisfactorily, if not more satisfactorily, answered by the judge in each case nominating the Conveyancing Counsel, under whose advice he intends to act. With regard to matters in which the sanction of the Court is not required, such as advising on an abstract of title, in order to approve and settle particulars and conditions of sale, and the forming and settling of such conditions, the selection of the Conveyancing Counsel might well be left, as formerly, to the solicitor of the parties interested, who would, upon their own responsibility, intrust the matter to the gentleman whom they deemed most likely to serve the interest of their clients.

"The semi-official character of these gentlemen, and their defective authority, is also apparent, from there not being any machinery to enable them to bring parties before them in disputed cases, and that it is only by getting the adverse party to attend a conference by consent that the parties can have an opportunity of putting them in possession, vivâ voce, of the points they rely upon. It is remarkable, also, that it is the only part of the new system in which the system in existence before 1833, so vehemently condemned and afterwards abolished by Lord Brougham, viz. the remuneration of officers of the court by fees, has been adopted. It is no doubt proper and essential that all conveyancing matters which have to be dealt with by the Court should be, in the first instance, disposed of by Conveyancing Counsel; but this would be better done by the appointment of gentlemen, with competent salaries, analogous to the taxing-masters, to be called conveyancing-masters. The number to be fixed by the requirements of the business of the court, and the office fees to be taken for the business done, to be of an adequate amount to pay the salaries.

"I will now proceed to notice in what way it appears to me the course of proceeding under the new system might be improved to the benefit of the suitor.

"It is of the first importance that the suitor should have the advantage of the attendance of his solicitor on all occasions when it is necessary to attend the judge in chambers.

"This, under the present arrangement, is almost impracticable, as the judges attend chambers from three until six, at a time when it is absolutely necessary that a solicitor who has a practice of any importance should be at his office to attend to his correspondence. The duty, also, must necessarily be irksome to the judge himself, whose mental faculties have been fully engaged in court during the previous part of the day.

"The consequence of this is, that many matters are disposed of by the chief clerk, which ought to be heard by the judge himself. The difficulty, it is true, cannot be obviated, without interfering with the regular sittings of the Court, unless additional judges be appointed, as suggested by the committee of this society, so that each judge might sit alternately in court and at chambers. But the expense of additional judges ought not to be a matter of consideration, if necessary for the interest of the suitor. If the system of taking evidence, in which respect the present system is also defective, is altered, so that the judge can in some cases hear the evidence vivâ voce, there will be a greater necessity for the appointment of additional judges.

"The delay in the drawing up of the orders of the Court is also a great grievance. The primary cause of this delay might be much remedied, if, after the judge has given his decision, time were given for the registrar, under the direction of the judge, and in the presence of counsel, before calling on another case, carefully to take a note of the substance of the order to be drawn up. The judges are of course naturally anxious to dispose of the business before them as rapidly as possible, but they are not aware of the expense and delay to which they subject the suiter behind their backs, by hastily calling on the next case, before their decision can be put into writing either by the counsel or the registrar. A leading counsel is in the act of indorsing his brief; he is engaged in the next case; he is obliged to throw down the brief in the former case, and delay making his note until an opportunity occurs. The same observation applies to the registrar, who cannot, in the time allowed him, make a proper note of the case. The consequence is, that there are numerous appointments and discussions before the registrar, which otherwise would not have been necessary, and the drawing up of the decree is delayed. Another cause of delay in drawing up decrees or orders is the necessity of having the briefs of all parties produced to the registrar, by which practice a party wishing to delay the suit may, by withholding his brief, prevent the decree from being drawn up. Some General Order ought to be made to provide for this. A third cause of delay is a want of a sufficient staff in the registrar's office. The chief clerk of the registrar ought to be employed exclusively in drawing up the decrees or orders under the direction of the registrar, and other clerks provided for taking in and delivering out papers; for it is impossible, during the hours the offices are open, and whilst they are constantly interrupted by attending to the receipt and delivery out of papers, for the chief clerks to give proper attention to the drawing of orders and decrees.

"Another great grievance and injury sustained by the suitor is the delay in the taxation of costs.

"In most cases, before payment of a fund out of court to a suitor, there is a previous direction for the taxation and payment of costs, and the suitor is prevented from obtaining his money because the costs cannot be taxed. An additional taxing-master has been appointed, which will remedy this to some extent; but as long as the business of the office is conducted according to the present regulations, delay will necessarily occur. It is no doubt a matter of great convenience to the masters, as well as more satisfactory in the result, that one bill should not be taxed until all the bills are brought in; but by refusing to give appointments until the bills are all left, solicitors who are desirous of expediting the business are delayed by others whose clients' interests or whose habits induce procrastination.

"The solicitor who intends to cause delay knows that he is practically safe until his adversary's bill has been taxed and is ready to be certified. After waiting some time for the bills to be brought in, a warrant is taken out for bringing them in, and even then, after default is made, an appointment cannot be obtained sometimes for a week, ten days, a fortnight, or in times of great pressure, at an earlier period than three weeks

and more; and if the bill be not then completed, further appointments must be obtained, mostly at distant dates, which, with the intervention of vacations, occasions very serious delay. The evil also of these appointments being at distant dates, is, that it is difficult for solicitors to attend them, for they cannot foresee that they may have cases for hearing before the Court at the time, whereas they might be able to make arrangements for attending with greater certainty, if the appointments were made for a day or two in advance only. Rules might be framed adapted to meet these difficulties, to some extent, as well as difficulties occurring in the other offices of the Court; but such rules ought not to be made by the Lord Chancellor and the judges, until they have been submitted to the profession, as well as to the officers of the department of the Court to which they relate, however desirous such officers may be of framing rules which seem to them most effective. It would be convenient if all short bills were taken during the first hour of the day, in rotation, according to the time of obtaining the appointment; and appointments should not in any case be given for more than four days in advance. The system pursued at common law might be partially adopted.

"Time will not permit me to go into detail with the other offices of the Court, but I will just mention the following matters:—

"Great inconvenience arises at the Accountant-General's Office for want of a sufficient number of clerks to transact the increased business; and it would be of great advantage to the suitors if a plan were adopted whereby the order on which the Accountant-General acts should remain in the custody of some officer of the court, and not entrusted, as it now is, to the solicitor of one of the parties, whereby great mischief occurs by such order being either lost or mislaid.

"The attendance at the Registrar's Office and Clerks of Records and Writs Office in vacation should be at least, as at common law, from eleven until two o'clock, instead of from twelve until one o'clock. In urgent cases this is of much importance. I have been informed, that this vacation a solicitor would have been prevented filing his affidavits in time to go down by an early morning train to the Vice-Chancellor to obtain a pressing injunction, if by favour he had not procured the attendance of a clerk to receive them before the usual hour of twelve. This ought not to be the case. There are a great number of clerks in that office, and some of them ought to be in attendance at least during the times I have mentioned.

"I must now come to the important subject of the General Orders of the Court, the consideration and classification of which is not only essential for the despatch of business and the saving of expense to the suitor, but would be one of the greatest boons which could be conferred upon the judges, counsel, and solicitors.

"Important as this is, it is nevertheless true that no attempt has been made to effect so desirable an object since the time of Lord Bacon.

"Previous to the abolition of the Six Clerks' Office, now sixteen years ago, when the clerks in court, whose attention was exclusively directed to the practice of the Court (being as it were a living book of authority upon points of practice), perhaps this was not so much needed, but since that office has been abolished, it is of the most vital importance that the practice should not only be well defined by authority, but that it should be done in such a shape, that it may be readily understood and referred to. At the time the Six Clerks' Office was abolished, the only collection of the General Orders regulating the practice of the Court in existence, was that of Mr. Beames, which brought them down to the year 1814. Separate sets of Orders had been from time to time published, but there was not any complete collection until Mr. Sanders brought out his valuable work, which, from the very circumstance of its being so comprehensive, was necessarily expensive, and not practically useful to the profession. Before the publication of Mr. Sanders' book, it occurred to me that I should be rendering an essential service to the profession, in collecting the General Orders of the Court, and publishing them with an index, in a form in which they might easily be referred to, and at the same time be laying the foundation for a classification and consolidation of them at a future period.

"In preparing my index I became painfully sensible of the great complication created by the way in which numerous Orders upon the same subject were indiscriminately scattered, and, in furtherance of the object of consolidation, I classified all the Orders from the time of Lord Bacon, which had not been repealed, or become obsolete; but the extensive alterations in the practice of the Court, which in 1845, and since, from time to time, have been effected, prevented me from carrying out my intention. The same reason, no doubt, operated to prevent a judicial consolidation of the Orders. It would, indeed, have been fruitless to have attempted an authorised consolidation of the Orders whilst the practice of the Court was in a state of transition; but the important alterations effected by the Acts passed in the year 1852 having substantially settled the course of procedure, the time has now arrived when the work should not be any longer delayed, and I would urge it upon these grounds:—

"1. There cannot be any doubt of the very unsatisfactory, not to say discreditable, state in which the practice of the Court resting upon General Orders now is.

"2. It is of the greatest importance to the suitor and the practitioner that such practice should be put upon an authentic basis, and in such a shape as to be readily understood and referred to.

"3. Such an object can be obtained without much difficulty and expense.

"With regard to the first point, I would observe, that, since the time of Lord Bacon, between 250 and 300 General Orders have been issued, and a great many sets of Orders, some comprising upwards of 100 Orders, amongst which may be mentioned—Lord Bacon's, in 1618; Lord Coventry's, in 1635; the Collection of Orders by the Parliamentary Commissioners, issued in 1649; Lord Clarendon's Orders, in 1661; the Accountant-General's Orders, in 1725; Lord Hardwicke's Orders, in 1743; Lord Erskine's Orders, in 1807; Lord Lyndhurst's Orders, in 1828; Lord Brougham's Orders, in 1833; Lord Cottenham's Orders, in 1841; Lord Lyndhurst's Orders, in 1842 and 1845; the Claim Orders, in 1850. The Orders made in pursuance of the Improvement of Jurisdiction in Equity Act, and the Masters in Chancery Abolition Act, in 1852, and subsequently.

"These Orders deal, more or less, with the same matter, and for the most part do not repeal former Orders upon the same subject, which have become obsolete and inconsistent with the subsequent Orders made, but leave the practitioner to discover whether the former Orders are to stand or not. In the sets of Orders which have been issued of late years, some previous Orders have been specifically abrogated, but we find these very objectionable words added in almost all of them: 'And all other Orders, and parts of Orders, so far as such Orders and parts of Orders are inconsistent with these Orders, but not further or otherwise, are hereby discharged and abrogated.' So that, so far as the Orders abrogated are not specified, the practitioner is left to decide whether an Order is a subsisting Order or not; and, even where the Order is specifically repealed, the only notice to the practitioner is the number and date of the Order repealed, and the only means he has of informing his mind upon the subject-matter of the Order repealed is to refer to it, so that the repealed Order must still remain amongst the Orders. It is hardly necessary to say more to show the unsatisfactory state of the Orders, and, even if it were only to reduce the quantity of matters, there would be a sufficient ground for a revision of the Orders.

"Nor can there, after what I have stated, be any doubt upon the second point suggested, that a systematic consolidation of the Orders would be of great advantage to the suitor, the judge, the barrister, the solicitor, and the student. Not only would the time of the Court, the barrister, and the solicitor be saved, by being able readily to refer to the Orders, but much delay and expense, occasioned by motions arising upon points of practice, would be saved to the suitor.

"There can be as little doubt upon the third point—viz. that the systematic codification could be effected without much difficulty and expense.

"What I would suggest is, that some gentlemen from each office of the Court, and from each branch of the profession, should be requested by the Lord Chancellor to proceed gratuitously to prepare a complete set of Orders, to be submitted to the Lord Chancellor and the judges for their approval, and that when the Orders have been prepared suggestions should be invited upon them from the profession. This would not be a work of much time or difficulty, nor would it be attended with much expense, and it would, as it seems to me, be the most effectual method of arriving at a satisfactory result. When any new Orders of importance are subsequently issued, it would be expedient to have the whole set of Orders re-issued on each occasion, with the altered parts printed in italics.

"I will conclude by expressing a hope that the present Lord Chancellor, whose eminent talents have raised him to the high position which he now occupies, will complete the work of rendering the Court of Chancery one of the most efficient courts in

the kingdom, by making the amendments yet required in the improvements carried out so ably by Lord St. Leonards, and by issuing for the first time a classified code of the General Orders of the Court."

Court Papers.

Queen's Bench.

SITTINGS at NISI PRIUS, in Middlesex and London, before the Right Hon. JOHN LORD CAMPBELL, Lord Chief Justice of her Majesty's Court of Queen's Bench, in and after MICHAELMAS TERM, 1858.

IN TERM.

Middlesex.		*London.*	
1st Sitting .... Wednesday	Nov. 3	1st Sitting .... Friday	Nov. 12
2nd Sitting .... Monday	„ 15	2nd Sitting .... Friday	„ 19
3rd Sitting .... Monday	„ 22		

For undefended causes only.

AFTER TERM.

Middlesex.		*London.*	
Friday	Nov. 26	Wednesday	Dec. 8

The Court will sit at 10 o'clock every day.

The Causes in the list for each of the above sitting days in Term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

Common Pleas.

SITTINGS at NISI PRIUS, in Middlesex and London, before the Right Hon. Sir ALEXANDER EDMUND COCKBURN, Bart., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, in and after MICHAELMAS TERM, 1858.

IN TERM.

Middlesex.		*London.*	
Monday	Nov. 8	Friday	Nov. 12
Monday	„ 15	Friday	„ 19

AFTER TERM.

Middlesex.		*London.*	
Friday	Nov. 26	Wednesday	Dec. 8

The Court will sit during and after Term at 10 o'clock.

The Causes in the list for each of the above sitting days in Term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

Exchequer of Pleas.

SITTINGS at NISI PRIUS in Middlesex and London, before the Right Hon. Sir FREDERICK POLLOCK, Knt., Lord Chief Baron of her Majesty's Court of Exchequer, in and after MICHAELMAS TERM, 1858.

IN TERM.

Middlesex.		*London.*	
1st Sitting .... Wednesday	Nov. 3	1st Sitting .... Friday	Nov. 12
2nd Sitting .... Monday	„ 15	2nd Sitting .... Friday	„ 19
3rd Sitting .... Monday	„ 22		

AFTER TERM.

Middlesex.		*London.*	
Friday	Nov. 26	Wednesday	Dec. 8

The Court will sit in and after Term at 10 o'clock.

The Court will sit in Middlesex, at *Nisi Prius*, in Term, by adjournment from day to day until the Causes entered for the respective Middlesex Sittings are disposed of.

Births, Marriages, and Deaths.

BIRTHS.

BURNELL—On Oct. 4, at Upper Clapton, Mrs. Blomfield Burnell, of a daughter.

HARDISTY—On Oct. 14, at Hampstead, the wife of Edward Brydges Hardisty, Esq., of a son.

KEEN—On Oct. 11, at 16 Ladbrooke-villas, Notting-hill, the wife of Grinham Keen, Esq., of Serjeants'-inn, of a son.

SPYER—On Oct. 12, at 10 Portsdown-road, Maida-hill, the wife of Solomon Spyer, Esq., of a daughter.

TOWSE—On Oct. 8, at 13 Albert-road, Regent's-park, Mrs. Robert Beckwith Towse, of a son.

WORTLEY—On Oct. 12, at 25 South-street, Grosvenor-square, the Hon. Mrs. Francis Stuart Wortley, of a son.

MARRIAGES.

FREEMAN—BULLOCK—On Oct. 7, at the parish church, Clifton, by the Rev. F. J. Freeman, brother of the bridegroom, the Rev. Alfred Freeman, son of the late Rev. Joseph Freeman, of Field-place, near Stroud, Gloucestershire, to Katherine Elizabeth, eldest daughter of the late Edward Bullock, Esq., Common Serjeant of the city of London.

JARVIS—PHILLIPS—On Sept. 7, at St. James's church, Westbourne-terrace, by the Rev. William H. Turle, M.A., Richard Taylor Jarvis, of Chancery-lane, Solicitor, to Emma Norfor, elder daughter of Henry Phillips, of Hart-street, Bloomsbury, Esq.

MERRIFIELD—NICHOLL—On Oct. 12, at St. Columb Major, Cornwall, Charles Watkins Merrifield, of the Middle Temple, Barrister-at-Law, to Elizabeth Ellen, eldest daughter of John Nicholls, Esq., of Trekenning-house.

TUCKER—M'MICHAEL—On Oct. 6, at Trinity church, Bath, by the Rev. J. M. Dixon, M.A., rector, assisted by the Rev. Alfred Dutton, LL.B., Charles Tucker, Esq., Solicitor, son of Edward Tucker, Esq., both of Bath, to Eleanor Dukesell, second daughter of William M'Michael, Esq., of the same city, and late of Bridgnorth, Salop.

DEATHS.

BATTY—On Oct. 8, at St. Clare, Reading, Adelaide Charlotte, eldest child of William Batty, Esq., of 1 Sussex-gardens, Hyde-park, aged 37.

BYRNE—On Oct. 11, at 13 Upper Hornsey-rise, Herbert Widdrington, the infant son of Edmund Byrne, Esq.

DANIELL—On Oct. 11, at Olney, Bucks, aged 23, Emma Charlotte, daughter of the late Edmund Robert Daniell, Esq., one of the Commissioners of Bankruptcy.

DOYLE—On Oct. 12, at Margate, Emily, the wife of Mr. Edward Doyle, of 97 Camden-road-villas, Camden-town, and 2 Verulam-buildings, Gray's-inn.

EMMET—On Oct. 7, Margaret Eliza, the second daughter of George Nelson and Eliza Emmet, of 2 Kensington-park-gardens, aged 12.

LAXTON—On Oct. 9, at Stamford, after a protracted illness, Annie, the wife of Thomas Laxton, jun., Solicitor, aged 28.

MOSS—On Oct. 7, at 4 Kingston-terrace, Beverley-road, Hull, Maria Blundell, youngest daughter of Mr. William Henry Moss, Solicitor, and Eliza Charlotte, his wife, aged two months.

WEEKS—On Oct. 12, at St. Leonards-on-Sea, after a few days' illness, Henry Weeks, Esq., of Cook's-court, Lincoln's-inn, Solicitor.

WESTON—On Oct. 11, at the Hotel, Paddington, aged 32, Lydia, the only daughter of Ambrose Weston, Esq., of Lincoln's-inn, Barrister-at-Law, and formerly of Hamilton-terrace, St. John's-wood.

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

BARBOR, CATHERINE, Spinster, Rugeley, Staffordshire, £2456 : 4 : 1 New 3½ per Cents.—Claimed by WALTER LANDOR, one of her executors.

BENN, GEORGE CHARLES, Esq., Rugby, Warwickshire, £402 : 16 : 2 New 3½ per Cents.—Claimed by GEORGE CHARLES BENN.

BLUNT, Rev. HENRY, SAMUEL ELYARD, and ROBERT BROWN, all of Streatham, Surrey, £168 New 3 per Cents.—Claimed by SAMUEL ELYARD, the survivor.

BOHAM, WILLIAM, Farmer, of Blewberry, Berks, & MARTHA ANN SALISBURY, a Minor, of Abingdon, Berks, £110 : 6 : 6 Consols.—Claimed by MARTHA ANN SALISBURY, the survivor, now of age.

BRADNEY, Rev. JOSEPH CHRISTOPHER, Sidmouth, Devon, and Rev. CHARLES PLUCKNETT, Holton, Somerset, £2035 : 15 : 6 Consols.—Claimed by JOSEPH CHRISTOPHER BRADNEY and CHARLES PLUCKNETT.

DOWNHAM, ROBERT, Gent., Connaught-place, Edgeware-road, £1607 : 0 : 10 3½ per Cents.—Claimed by JOHN GARDNER, his surviving executor.

GIBSON, JABEZ, Brewer, Saffron Walden, Essex, £2000 New 3½ per Cents. Claimed by WYATT GEORGE GIBSON & FRANCIS GIBSON, his acting executors.

HILL, JOHN HUMPHREY EDWARD, Esq., Hood, Totness, £1300 3½ per Cents. Reduced.—Claimed by JANE HILL, widow, the administratrix.

LUCAS, ELIZABETH, Widow (since wife of John Theophilus Lewis, Gent.), and ANDREW CRAWFORD, M.D., all of Winchester, £1900 New 4*l.* per Cents.—Claimed by ANDREW CRAWFORD.

TOZER, SELINA, Spinster, Witney, Oxon, £243 : 10 : 4 New 3½ per Cents.—Claimed by SELINA TOZER.

WROUGHTON, GEORGE WROUGHTON, Stowell Lodge, Wilts, & Captain JAMES MONTAGU, Royal Navy, £9079 : 0 : 10 Consols. — Claimed by GEORGE WROUGHTON WROUGHTON and JAMES MONTAGU.

Heirs at Law and Next of Kin.

Advertised for in the London Gazette *and elsewhere during the Week.*

WESTMORELAND, Captain WILLIAM, Greenwich, Kent, who left England for Tasmania, in 1844, in the ship *Arab*. His heir at law to communicate with Mr. Edward J. Barker, Solicitor, St. Werburgh's-chambers, Bristol.

Money Market.

CITY.—FRIDAY EVENING.

The closing price of Consols this afternoon for money is 98⅞ to ½, being ¼ per cent. lower than the highest price of this week, but ⅛ higher than Friday's price of last week.

Money is easy in the discount market at 2 per cent. The India Scrip is at 99⅛ to ½. The Share market continues buoyant, and Turkish Scrip has advanced to 1 premium. No change was made by the Bank of England on Thursday in the rate of discount.

From the Bank of England return for the week ending the 13th instant, it appears that the amount of notes in circulation is £21,201,120, being an increase of £378,160; and the stock of bullion in both departments is £19,496,991, showing a decrease of £29,484, when compared with the previous return.

Money is said to be in increased demand all over the continent; and the Bank of Frankfort has advanced its rate of discount from 4 to 5 per cent. Gold continues to arrive in this country from Australia, and from the United States.

From accounts lately published by the French Custom-house, it appears that the money value of the trade between Great Britain and France, exports and imports, has increased from £10,480,000 in 1847, to £38,960,000 in 1857. The total value of the exports and imports of France has increased from £93,600,000 in 1847, to £213,120,000 in 1857, having more than doubled in ten years. It thus appears that the very large extension of the trade of the United Kingdom in the last ten years, which has naturally excited so much attention, is not exceptional. It may rather be looked upon as forming part of a general expansion of commerce, derived from the extraordinary influx of gold, the influence of steam navigation, the

impulse of free trade, and the active industry encouraged and extended by these and other circumstances. It also affords proof of the progress made by French industry in recent years, notwithstanding the supposed hindrances of the protective system.

Railway Stock.

Railways.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Birk. Lan. & Ch. Junc.	..	..	..	..	..	..
Bristol and Exeter	..	93½	94 3	..	..	..
Caledonian	85½ ¾	86½ ¾ 7	87½ ¼ ½	86½	87½ 6½	86½ 7½
Chester and Holyhead	..	38 [6]8	..	..	38½	..
East Anglian	..	17	..	17½	17½	..
Eastern Counties	62½	62½ 3½ 3	63½ 2½ 3	62½	..	62½ ½
Eastern Union A. Stock	..	..	..	48	..	..
Ditto B. Stock	..	..	..	..	..	..
East Lancashire	..	93 4	94	..	..	..
Edinburgh and Glasgow	..	..	..	..	..	..
Edin. Perth, and Dundee	26½	27 6½	26½	27	28 7½	27½
Glasgow & South-Westn.	..	91	..	..	..	..
Great Northern	103½	104	104½ 5 4	..	..	104½ ½
Ditto A. Stock	82½	84	..	83½	..	83½
Ditto B. Stock	130	130½ 30	130½	129	..	..
Gt. South & West. (Ire.)	..	104½ 4	..	..	..	103½
Great Western	54½ ¾	54½ ½	55½ ½ 6½	55½ 6½	..	56 ½ ½
Do. Stour Vly. G. Stk.	..	..	..	..	..	..
Lancashire & Yorkshire	..	96½ ½	96½ 7	96½	96½ 6	96½ ½
Lon. Brighton & S. Coast	111 10½	110½ ½	111½ 11	111	..	112
London & North-Wstrn.	91½	91 ½ 2	92½ ½ ¾	92 ¾ ½	91½ ½	92 ½
London & South-Westrn.	95½	95½ 5	95½ ½	94½	95	94½ ¾
Man. Sheff. & Lincoln.	..	35½ ¾	36 5½	36 5½	..	36½ 6
Midland	96½ ½	96½ ½	96½ ¾	96½ ¾ ½	96½ ½	96½ ¾
Ditto Birm. & Derby	..	..	..	..	..	..
Norfolk	..	64½ 3½ 4	64½	64	..	..
North British	57½ ½	57½ 8	58½ ½	58 ½	58½	58½ ½
North-Eastern (Brwck.)	94½ ¾	94½ ½ ¾	95	94½ ½ ¾	..	95½
Ditto Leeds	48½	48½ ½	..	48½ ½	..	48½
Ditto York	77	77 ½ ½	77½ ¾	77½ 7	78	78
North London	101	..	..	..	..	..
Oxford, Worc. & Wolver.	..	..	..	..	..	28½
Scottish Central	..	..	..	..	..	..
Scot. N.E. Aberdeen Stk.	..	..	..	..	27½	27½ ¾
Do. Scotsh. Mid. Stk.	..	..	..	81 x d	..	..
Shropshire Union	..	44 x d	44½ 4xd	..	..	..
South Devon	..	..	..	..	..	34½
South-Eastern	73½ ¾	74 ½	75½ 5	75 4½	..	75
South Wales	..	..	..	..	..	..
Vale of Neath	..	..	..	..	..	..

English Funds.

English Funds.	Sat.	Mon.	Tues.	Wed.	Thur	Fri.
Bank Stock	Shut.	220 x d	220 x d	221½ xd	220 x d	221 x d
3 per Cent. Red. Ann.	..	97¼ ¾	97¼ ¼ ½	97½	97¼ ¼ ½	97¼ ¼ ½
3 per Cent. Cons. Ann.	98 ¼ ½	98¼ ¼ ½	98¼	98¼ ¼	98¼ ¼ ½	98¼ ½
New 3 per Cent. Ann.	Shut.	97¼ ¾	97¼ ¼ ½	97½ ¼ ½	97¼ ¼ ½	97¼ ¼ ½
New 2½ per Cent. Ann.	82¾	82¾	..	81½ 2	..	82¾ 2
Long Ann. (exp. Jan. 5, 1860)	Shut.	1½	..	..	..	..
Do. 30 years (exp. Jan. 5, 1860)	,,	..	..	..	..	..
Do. 30 years (exp. Jan. 5, 1880)	,,	..	..	..	..	..
Do. 30 years (exp. Apr. 5, 1885)	,,	..	..	..	18½ ½	..
India Stock	..	..	224 3	223	223 2 4	..
India Loan Debentures	99¾ ¾	99¾	99¾ ¾	99¾	99¾	99¾ ¾ ¾
India Scrip, Second Issue	..	99½	99¼	99½	..	99¾ ¾
India Bonds (£1,000)	..	..	15s p	14s p	14s p	12s 13sp
Do. (under £300)	14s p	14s p	11s 14sp	14s 11sp	11s p	..
Exch. Bills (£1000) Mar.	..	37s 34sp	..	34s p	36s 35sp	35s p
Ditto June	..	28s 29sp	..	26s 29sp	30s p	31s p
Exch. Bills (£500) Mar.	..	..	..	..	..	35s p
Ditto June	28s p	..	..	..	..	..
Exch. Bills (Small) Mar.	..	..	35s p	..	35s p	35s p
Ditto June	28s p	..	26s 29sp	..	27s p	30s 28sp
Do. (Advertised) Mar.	..	..	..	..	..	..
Ditto June	..	..	..	..	..	..
Exch. Bonds, 1858, 3½ per Cent.	..	..	..	..	..	..
Exch. Bonds, 1859, 3½ per Cent.	..	..	..	..	..	..

Insurance Companies.

Equity and Law	6
English and Scottish Law Life	4
Law Fire	4
Law Life	63½
Law Reversionary Interest	19
Law Union	par
Legal and General Life	4½
London and Provincial Law	par
Solicitors' and General	2½ ½

Estate Exchange Report.

(For the week ending October 7, 1858.)

At the Mart.—By Mr. W. A. Oakley.

Leasehold Residence, No. 3, Albert-street, Mornington-crescent; term, 89 years from Lady-day, 1856; ground-rent, £6: let at £35 per annum.—Sold for £620.

Leasehold Residence, No. 4, Albert-street, Mornington-crescent; same term, &c.—Sold for £610.

By Messrs. Lockwood, Lockwood, & Sykes.

Leasehold Residence, No. 10, Kensington-park-terrace North, Westbourne-grove West, Bayswater; held for 99 years from Christmas, 1852, at ground-rent of £8 per annum; annual value, £40 per annum.—Sold for £230.

Freehold Tenement and Premises, No. 9, Chapel-place, Willesden; let at £10 per annum.—Sold for £100.

By Mr. H. E. Mundell.

Freehold House and Shop, No. 16, Brydges-st., Covent-garden, producing about £80 per annum.—Sold for £770.

Leasehold Residences, with range of stabling, &c., Nos. 10 & 11, Charles-street, Queen's-road, Notting-hill; term, 99 years from Michaelmas, 1849; ground-rent, £10; value, £84 per annum.—Sold for £445.

By Messrs. Abbott & Wrigglesworth.

An improved Ground-rent of £130 per annum, secured upon No. 16, Goswell-street-road, Clerkenwell, and Nos. 1 & 2, and 15 to 21, Spencer-place, with stables, &c., in rear thereof; term about 24 years unexpired.—Sold for £1051.

Leasehold, the several properties above mentioned, producing about £220 per annum; held for 24 years, less 35 days, from Michaelmas, 1858, at £130 per annum.—Sold for £315.

Leasehold Dwelling Houses, Nos. 6 & 7, Spencer-place; term, 20 years, from Midsummer, 1858; ground-rent, £5 : 5 : 0; let at £29 : 18 : 0 per annum.—Sold for £105.

Leasehol l Houses, Nos. 22, 23, & 24, Spencer-place; term, 24 years, from Michaelmas, 1858; ground-rent, £10 : 10 : 0; let at £39 : 8 : 0 per annum.—Sold for £105.

Leasehold House & Shop, No, 18, Upper Ashly-street, Clerkenwell; term, 22½ years, from Michaelmas, 1858; ground-rent, £24; let at £36 per annum.—Sold for £21.

Leasehold House, Shop, & Premises, No. 14, Goswell-street-road; term, 24 years from Michaelmas, 1858; ground-rent, £7; let at £35 per annum.—Sold for £317 : 10 : 0.

Leasehold Residence, No. 18, Gosvell-road, St. Luke's; term, 7 years, from Midsummer, 1858; ground-rent, £7; let at £35 per annum.—Sold for £105.

At Garraways.—By Messrs. Warlters & Lovejoy.

Lease and Goodwill of "The Bee-hive" public-house, Crawford-street, St. Marylebone; term, 18 years unexpired, at a rent of £150 per annum.—Sold for £4180.

By Messrs. Chapter & Son.

An Improved Rental of £48 per annum, with reversion, arising from "The Running Horse" public-house, corner of Chapel-street East, and Market-street, Curzon-street, May Fair; let for an unexpired term of 28 years from Christmas, 1856, at £50 per annum; held for a term of 996 years from Lady-day 1741; at a ground-rent of £2 per annum.—Sold for £1000.

Property sold and bought in during last three months:—

	Sold.	Bought in.	Total.
July	£607,730	£1,319,205	£1,926,935
August	396,919	938,132	1,335,051
September	134,511	303,835	503,346
	£1,139,160	£2,626,172	£3,765,332

(For the week ending October 14, 1858.)

At the Mart.—By Mr. W. Herne.

Freehold Dwelling-house, with shop, No. 1, Charles-street, Whitechapel; let at £20 per annum.—Sold for £300.

Freehold Residence, No. 2, Charles-street; let at £18 per annum.—Sold for £230.

Freehold Residence, No. 3, Charles-street; let at £18 : 18 : 0 per annum.—Sold for £225.

Freehold Residence, No. 4, Charles-street; let at £18 : 18 : 0 per annum.—Sold for £195.

Freehold Residence, No. 13, Charles-street; let at £16 per annum,—Sold for £170.

Freehold Residence, No. 16, Charles-street; let at £16 : 16 : 0 per annum.—Sold for £155.

Freehold Residence, with shop, No. 17, Charles-street; let at £24 per annum.—Sold for £300.

Freehold Residence, No. 59, Great Hermitage-street, Wapping; let at £20 per annum.—Sold for £300.

Leasehold House and Shop, No. 56, Charlotte-street, corner of Gloucester-street, Whitechapel; term, 31 years from Lady-day, 1858; free from ground-rent; let at £22 per annum.—Sold for £190.

Leasehold Residence, No. 1, Gloucester-street; let at 14 guineas per annum; same term, &c.—Sold for £120.

Leasehold Residence, No. 5, Gloucester-street; same term, &c.; let at £16 per annum.—Sold for £110.

Leasehold Residence, No. 9, Gloucester-street; same term, &c.; let at £18 : 18 : 0 per annum.—Sold for £145.

Leasehold Residence, No. 10, Gloucester-street; same term, &c.; let at £18 per annum.—Sold for £155.

Leasehold Houses, Nos. 113 & 114, York-street; let at £35 per annum; same term, &c.—Sold for £300.

Leasehold Ground-rents of £6 : 10 : 0 per annum, secured upon Nos. 110 & 111, York-street; same term as above.—Sold for £90.

Leasehold Ground-rents of £10 : 10 : 0 per annum, secured upon Nos. 107, 108, & 109, York-street; same term.—Sold for £135.

Leasehold Ground-rents of £12 : 8 : 0 per annum, secured upon Nos. 98, 99, & 94, York-street; same term as preceding.—Sold for £170.

By Mr. Debenham.

Freehold, Cottage Residence, and Three Acres of Land, Winchmore-hill, Middlesex.—Sold for £1180.

Freehold Residence, Upton House, Upton, Essex; estimated rental, £80 per annum; subject to a rent-charge of £10 per annum.—Sold for £850.

Leasehold Houses, Nos. 1 to 8, Caroline-place, and 22½, Cromer-street, Gray's-inn-road; term, 31 years unexpired; ground-rent, £18 : 18 : 0; producing £75 per annum.—Sold for £185.

Leasehold Houses, Nos. 43 to 48, Bacon-street, Bethnal-green; let at £179 per annum; term, 93 years from Michaelmas, 1858; ground-rent, £20 per annum.—Sold for £1000.

Leasehold Houses, Nos. 6, 7, & 8, Swan-street, and 38 & 39, Bacon-street; producing £139 : 14 : 0 per annum; same term; ground-rent, £21 per annum.—Sold for £840.

Leasehold Houses, Nos. 4 & 5, Swan-street; let at £60 per annum; term, 99 years from Michaelmas, 1852; ground-rent, £8.—Sold for £340.

Leasehold Houses, Nos. 1 to 7, Little Bacon-street, Swan-street; producing £206 per annum; term, 99 years from Christmas, 1846; ground-rent, £35.—Sold for £920.

By Messrs. Ventom & Son.

Net Life Interest of £96 and upwards per annum, Contingent Reversions; and Two Life Policies, one for £500, and the other for £750.—Sold for £610.

By Mr. Hamber.

Leasehold Houses, Stabling, &c., Nos. 1 to 7, Hendice-road, Old Kent-road; annual value, £156; term, 61 years from Lady-day, 1844; ground-rent, £23 per annum.—Sold for £590.

By Mr. Marsh.

Leasehold, The Pantechnicon, Nos. 120 & 121, Queen's-road, Brighton; term, 15 years from June 24, 1857; ground-rent, £42 per annum.—Sold for £1850.

The Absolute Reversion to £1302 : 19 : 0 sterling, receivable on the decease of a lady, aged 79.—Sold for £820.

The Absolute Reversion to one-ninth of £20,000 New Three per Cents.; also to one-ninth of the residue of the estate, payable on the death of a lady now in her 79th year.—Sold for £1450.

The Absolute Reversion to one-sixth of £4847 : 7 : 4 New Three per Cent. Bank Annuities, receivable on the decease of a lady aged 53.—Sold for £300.

The Absolute Reversion to one-third of £3000 Consols, receivable on the decease of a gentleman and his wife, aged respectively 56 and 51 years next birthday.—Sold for £300.

By W. Champness.

Leasehold House, with baker's shop, No. 16, Adams-row, Hampstead-road; term, 83 years from Midsummer, 1803; ground-rent, £7 : 7 : 0; let on lease at £92 per annum.—Sold for £800.

By Messrs. Kemp.

Leasehold Houses, Nos. 39 & 40, Mary-street, Hampstead-road; term, 93 years from Lady-day, 1837; ground-rent, £34; let at £80.—Sold for £375.

Leasehold Residence, No. 5, Park-street, Grosvenor-square; term, 27 years from March 25, 1858; ground-rent, £14; let on lease at £80 per annum.—Sold for £810.

By Mr. Moore.

Freehold Ground-rent, £15 per annum, secured upon house and shop, The Grove, Stratford, Essex.—Sold for £410.

By Mr. Clarkson, in conjunction with Mr. Wray.

Freehold Ground-rents, £29 per annum, secured upon Nos. 1 to 6, Armagh road, Roman-road, Old Ford, Bow, and Nos. 1 & 2, Risher-road, Roman-road.—Sold for £600.

By Messrs. Norton, Hoggart, & Trist.

Freehold Dwelling House & Shop, Windsor-street, Uxbridge; let at 7s. per week.—Sold for £185.

Freehold, Three Cottages, Queen's-court, Windsor-street, Uxbridge.—Sold for £100.

Copyhold Cottage, No. 1, Prospect-terrace, Uxbridge; let at £16 : 16 : 0 per annum.—Sold for £300.

Copyhold Cottage, No. 2, Prospect-terrace; let at £15 per annum.—Sold for £150.

By Messrs. Davis & Vigers.

Leasehold Range of Warehouses and Residence, Nos. 16 & 17, Staining-lane, City; term, 21 years from Christmas, 1854, at £150 per annum.—Sold for £1000.

Leasehold House & Shop, No. 8, Tothill-street, Westminster; term, 40 years from Michaelmas, 1832; ground-rent, 20s. per annum; let on lease at £75 per annum.—Sold for £488.

At Garraway's.—By Messrs. Blake (of Croydon).

Six Plots of Freehold Building Ground, Addiscombe and Cherry Orchard-roads, adjoining the East Croydon Station, on the London, Brighton, and South Coast Railway.—Sold at from £50 to £155 per plot.

By Mr. G. A. Brown.

Leasehold Houses and Shops, Nos. 6 & 7, Goldsmith's-row, Hackney-road, also a plot of ground in the rear; term, 7 years; ground-rents, £22 : 6 : 6; let at £63 per annum.—Sold for £85.

An Improved Rent of £10 per annum, secured upon No. 1, Ebenezer-street, Provost-street, City-road; term, 8 years.—Sold for £30.

Leasehold Houses, Nos. 7 to 16, James-street, Victory-row, Stepney; term, 48 years; ground-rent, £15; let at £78 : 16 : 0 per annum.—Sold for £240.

Freehold Houses, Nos. 5 & 6, York's-street, Globe-road; let at £31 : 4 : 0 per annum.—Sold for £300.

Leasehold Residences, Nos. 1a, 2, & 3, Three Colt-lane, Bethnal-green; term, 24 years from Midsummer, 1856; ground-rent, £12 : 15 : 0; let at £42 : 5 : 0.—Sold for £135.

Leasehold Dwelling-houses, Nos. 19 & 20, North-street; term, 9 years from Lady-day last; ground-rent, £4 : 10 : 0; let at £50 : 2 : 0 per annum.—Sold for £115.

Leasehold Houses, Nos. 1 to 8, Exmouth-place, Exmouth-street, Commercial-road East; term, 35 years from Lady-day last; ground-rent, £30; let at £97 : 10 : 0 per annum.—Sold for £280.

Freehold Ground-rent, £4 : 10 : 0 per annum, secured upon No. 8, Broad Harrow-court, Milton-street, Finsbury.—Sold for £90.

Leasehold Cottage Residences, Nos. 21 to 24, Brownlow-road, Dalston; term, 88 years from Christmas next; ground-rent, £20; value £41 per annum.—Sold for £180.

Leasehold House, No. 22, Lyon-street, Islington; term, 86 years from Midsummer, 1858; ground-rent, £5; let at £27 per annum.—Sold for £185.

Leasehold, Nos. 16 & 17, Fellows-street North, Pearson-street, Kingsland-road; term, 48 years from Midsummer last; ground-rent, £4; let at £40 per annum.—Sold for £320.

Freehold Dwelling-houses, Nos. 2 & 3, Bowyer's-buildings, Cannon-street-road; let at £28 : 12 : 0 per annum.—Sold for £190.

By Mr. Tindall.

Leasehold Dwelling-house, Nos. 17 & 18, Stock-street, Catherine-street, Bromley St. Leonards, Middlesex; term, 90 years from Christmas, 1855; ground-rent, £4 per house; let at £32 each per annum.—Sold for £200 each.

Copyhold, Nos. 4 & 5, Union-place, King-street, Poplar; let at £36 : 8 : 0 per annum.—Sold for £170.

Freehold House, No. 13, Grundy-street; let at £18 : 4 : 0 per annum.—Sold for £230.

Freehold House, No. 22, Crisp-street; let at £20 : 16 : 0 per annum.—Sold for £315.

Freehold House, No. 98, High-street, Poplar; let at £16 per annum.—Sold for £310.

Leasehold Dwelling-houses, Nos. 13, 14, 20, 21, & 22, Randall-street, Bromley, Middlesex; term, 97 years from Lady-day, 1845; ground-rents, £13 : 5 : 0; let at £98 per annum.—Sold for £500.

By Mr. Leifchild.

Freehold, Three Plots of Building Ground, New Sweep, Hampton Wick.—Sold for £485.

By Messrs. Barton & Son.

Lease & Goodwill of the Desborough Arms Public House, Desborough-place, Harrow-road; held for 93½ years from September, 1858, at £50 per annum.—Sold for £3000.

By Mr. J. J. Clemmans.

Leasehold House & Shop, No. 3, High-street, Hoxton, together with the goodwill of the business of a Watchmaker; term, 61 years from Christmas, 1857; ground-rent, £6; estimated value, £35 per annum.—Sold for £190.

London Gazettes.

Perpetual Commissioner for taking the Acknowledgments of Married Women.

Tuesday, *Oct.* 12, 1858.

Chapman, William Thomas, Gent., Biggleswade, Beds; for the county of Bedford.

Bankrupts.

Tuesday, *Oct.* 12, 1858.

ASPINALL, William Stancliffe, Grocer, Leeds. *Com.* Ayrton: Oct. 25, at 1; and Nov. 19, at 12; Commercial-bldgs., Leeds. *Off. Ass.* Hope. *Sols.* Dibb, Atkinson, & Piper, Leeds. *Pet.* Oct. 6.

COOKE, Joseph, & William Cooke, Agricultural Engineers, Castle Foregate, Shrewsbury. *Com.* Balguy: Oct. 22 and Nov. 13, at 11; Birmingham. *Off. Ass.* Kinnear. *Sols.* James & Knight, or Stanbridge & Kaye, Birmingham. *Pet.* Oct. 8.

FANCOTT, Thomas Frederick, Hosier, Stourbridge, Worcestershire, and Wordsley, Staffordshire. *Com.* Balguy: Oct. 27 and Nov. 17, at 10; Birmingham. *Off. Ass.* Whitmore. *Sols.* Collis, Stourbridge, or James & Knight, Birmingham. *Pet.* Oct. 8.

HAINES, Battison, Brickmaker, King's Norton, Worcestershire (G. B. Haines & Son). *Com.* Balguy: Oct. 22 and Nov. 13, at 11; Birmingham. *Off. Ass.* Kinnear. *Sols.* Southall & Nelson, Birmingham. *Pet.* Oct. 8.

JACKSON, George, Decorative Designer, 17 Brazenose-st., Manchester. Oct. 25 and Nov. 22, at 12; Manchester. *Off. Ass.* Pott. *Sol.* Taylor, Cooper-st., Manchester. *Pet.* Oct. 5.

NENDICK, William, Grocer, Wolverhampton. *Com.* Balguy: Oct. 22, at 10.30; and Nov. 12, at 11.30; Birmingham. *Off. Ass.* Whitmore. *Sols.* Bolton, Wolverhampton; or E. & H. Wright, Birmingham. *Pet.* Oct. 11.

SEAMAN, Charles, & Henry Keen, Silk Manufacturers, 31 Milk-st., Cheapside. *Com.* Fonblanque: Oct. 26, at 11.30; and Nov. 23, at 13; Basinghall-st. *Off. Ass.* Graham. *Sols.* Lawrance, Plews, & Boyer, 14 Old Jewry-chambers. *Pet.* Oct. 11.

SMITH, Jonas, jun., Worsted Spinner, Low Moor, North Brierley, Bradford. *Com.* Ayrton: Oct. 26 and Nov. 22, at 11; Commercial-bldgs., Leeds. *Off. Ass.* Hope. *Sols.* Lees, Bradford; or Bond & Barwick, Leeds. *Pet.* Oct. 11.

STEEL, Thomas, Shipowner, Torquay, Devon. Oct. 19 and Nov. 16, at 1; Queen-st., Exeter. *Off. Ass.* Hirtzel. *Sols.* Carter, Torquay; or Stogdon, Exeter. *Pet.* Oct. 9.

ZUCKER, Carl, Watchmaker, 26 York-row, Kennington-rd., Surrey. *Com.* Evans: Oct. 21, at 1; and Nov. 25, at 12; Basinghall-st. *Off. Ass.* Johnson. *Sols.* J. & S. Solomon, 22 Finsbury-pl. *Pet.* Oct. 11.

Friday, *Oct.* 15, 1858.

BATES, Matthew, Manufacturer, Huddersfield. *Com.* Ayrton: Nov. 1 & 29, at 11; Commercial-bldgs., Leeds. *Off. Ass.* Hope. *Sols.* Lace, Marshall, & Gill, Liverpool; or Payne, Eddison, & Ford, Leeds. *Pet.* Oct. 6.

BROWN, John, Draper, Bradford, Yorkshire. *Com.* Ayrton: Oct. 26 and Nov. 22, at 11; Commercial-bldgs., Leeds. *Off. Ass.* Hope. *Sols.* Terry, Watson, & Watson, Bradford; or Bond & Barwick, Leeds. *Pet.* Oct. 12.

COLLS, Charles, & John Lows, Bankers & Bill Discounters, 10 St. Swithin's-lane, and 29 Henrietta-st., Covent-garden. *Com.* Fane: Oct. 30 and Dec. 3, at 11; Basinghall-st. *Off. Ass.* Cannan. *Sols.* Crosley & Burn, 34 Lombard-st. *Pet.* Oct. 9.

FORSTER, Peter, Ship Builder, Sunderland. *Com.* Ellison: Oct. 22, at 11.30; and Dec. 2, at 12; Royal-arcade, Newcastle-upon-Tyne. *Off. Ass.* Baker. *Sols.* Harle, Bush, & Co., 20 Southampton-bldgs., Chancery-lane, and 2 Butcher-bank, Newcastle-upon-Tyne. *Pet.* Oct. 9.

GOODACRE, Ann Margaret, Grocer, Edenham, Lincolnshire. *Com.* Balguy: Nov. 2 & 25, at 10.30; Shirehall, Nottingham. *Off. Ass.* Harris. *Sols.* Campbell, Barton, & Browne, Nottingham. *Pet.* Oct. 13.

HEAPS, George, jun., Furnishing Ironmonger, Leeds. *Com.* Ayrton: Oct. 26 and Nov. 22, at 11; Commercial-bldgs., Leeds. *Off. Ass.* Hope. *Sols.* Holt, Skinner's-pl., Sise-lane, London; or Dibb, Atkinson, & Piper, Leeds. *Pet.* Sept. 29.

PARKINS, James, Auctioneer, 7 Minerva-ter., New-cross, Surrey, and 5

Grocers'-hall-ct., Poultry. *Com.* Goulburn: Oct. 27, at 12.30; and Nov. 29, at 1; Basinghall-st. *Off. Ass.* Pennell. *Sol.* Abell, Bucklersbury. *Pet.* Sept. 28.

BANKRUPTCIES ANNULLED.

FRIDAY, *Oct.* 12, 1858.

HARGREAVES, JOHN, Coal & Lime Merchant, Bradford and Sutton, Yorkshire. Oct. 8.

FRIDAY, *Oct.* 15, 1858.

BRADFORD, JOHN, Road Contractor, Altrincham and Bowdon, Cheshire. Oct. 12.

MEETINGS.

TUESDAY, *Oct.* 12, 1858.

BARWICK, EDWIN, Printer, Market-pl., Snaith, Yorkshire. *Div.* Nov. 2, at 11; Commercial-bldgs., Leeds. *Com.* West.

BLACKER, ROWLAND HILL, Importer of Foreign Silk Goods, 22 Ludgate-st. *Div.* Nov. 2, at 12; Basinghall-st. *Com.* Evans.

BRADFORD, JOHN, & JAMES THOMPSON, Ironmasters, carrying on business at Bradley Hall Ironworks, Bilston, Staffordshire, in co-partnership with JOSEPH HANDLEY. *Div.* Nov. 3, at 10; Birmingham. *Com.* Balguy.

COHEN, ABRAHAM MARK, Paper Stainer, 18 Commercial-pl., City-rd. *Div.* Nov. 2, at 11; Basinghall-st. *Com.* Evans.

DAVIES, HENRY, & WILLIAM DAVIES (H. Davies & Co.), Stock & Share Brokers, Liverpool. *Div.* Nov. 4, at 11; Liverpool. *Com.* Perry.

ELLISON, JOHN, Warehouseman, 56 Bread-st., Cheapside, and 75 Harley-st., Cavendish-sq. (where he has also used the name of JOHN ENDERSBIN). *Final Div.* Nov. 3, at 12; Basinghall-st. *Com.* Goulburn.

GOLDBERG, JUDAH, Boot & Shoe Manufacturer, 187 Brick-lane, Whitechapel. *Last Ex.* Oct. 30, at 12; Basinghall-st. *Com.* Holroyd.

HERTSLET, LEWIS COOKE, Merchant, Union-ct., Broad-st., trading in partnership with Joseph Okell (Alexander Moberly & Co.) *Div.* Nov. 2, at 11.30; Basinghall-st. *Com.* Fonblanque.

HINDHAUGH, MARY, & ARTHUR FERDINAND DE NEWMANN (N. Hindhaugh & Co.), Timber Merchants, Newcastle-upon-Tyne. *Final Div.* Nov. 4, at 12; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison.

HURST, JOEL CULMER, Ship Builder, Cliff-ct., Harbour-pl., Ramsgate. *Div.* Nov. 2, at 11; Basinghall-st. *Com.* Evans.

KIRKUP, LANCELOT, Iron Ship Builder, Newcastle-upon-Tyne. *Final Div.* Nov. 4, at 11.30; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison.

MOULDS, SAMUEL, Hotel Keeper, 11 Ironmonger-lane, Cheapside. *Div.* Nov. 2, at 12; Basinghall-st. *Com.* Evans.

PHILLIPS, JOHN, Wood Turner, Bridge-st. West, Summer-lane, Birmingham. *Div.* Nov. 3, at 10; Birmingham. *Com.* Balguy.

POOLE, STEPHEN, Timber Dealer, 8 Windmill-st., Lambeth-walk, and 44 Chester-st., Kennington-lane. *Div.* Nov. 2, at 1; Basinghall-st. *Com.* Fonblanque.

SOMALVICO, VINCENT, Manufacturing Optician, 14 Charles-st., Hatton-garden (V. Somalvico & Co.) *Div.* Nov. 2, at 11; Basinghall-st. *Com.* Evans.

TAYLOR, HENRY, & HENRY HOYLE, Cotton Spinners, Vale Mill, near Bacup, and of Manchester. *Second Div.* Nov. 2, at 12; Manchester. *Com.* Jemmett.

WALKER, WILLIAM KEMPSON, Hide & Skin Merchant, Wolverhampton. *Last Ex.* (previously adjourned sine die) Nov. 12, at 11.30; Birmingham. *Com.* Balguy.

WATKINS, HENRY, Lime & Brick Merchant, Irongate Wharf, Praed-st., Paddington. *Div.* Nov. 2, at 11.30; Basinghall-st. *Com.* Evans.

FRIDAY, *Oct.* 15, 1858.

ABRAM, ROBERT, Cabinet Maker, Manchester. *Last Ex.* (*previously adjd. sine die*) Nov. 5, at 12; Manchester. *Com.* Skirrow.

ARMSTRONG, JAMES, Linen & Woollen Draper, Berwick-upon-Tweed (Smith & Armstrong). *Final Div.* Nov. 10, at 12; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison.

CRANTREE, WILLIAM HENRY, Grocer, Preston and Garstang, Lancashire. *Div.* Nov. 16, at 11; Manchester. *Com.* Skirrow.

DAVIES, THOMAS, Merchant, Liverpool. *Div.* Nov. 8, at 12; Liverpool. *Com.* Perry.

EDWARDS, THOMAS, Cabinet Maker, Thomas-st. and Riga-st., Manchester. *Div.* Nov. 11, at 12; Manchester. *Com.* Skirrow.

ELLIS, EDWARD, Wine Merchant, Ludgate-hill. *Div.* Nov. 9, at 12; Basinghall-st. *Com.* Holroyd.

GUPPORD, SAMUEL, Sail Cloth & Canvas Merchant, 72 Mark-lane. *Div.* Nov. 5, at 12; Basinghall-st. *Com.* Fonblanque.

HALL, WILLIAM, Grocer, Durham. *Div.* Nov. 8, at 11.30; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison.

MORRIS, EDWARD WEBSTER, Printer, Oxford. *Div.* Nov. 9, at 12; Basinghall-st. *Com.* Holroyd.

PICKERING, HUGH, JOHN PICKERING, RICHARD CATON PICKERING, & JOHN WILSON PICKERING, Cotton Spinners, Burnley, Lancashire (Pickering Brothers). *Div.* Nov. 18; Manchester. *Com.* Skirrow.

PLATT, JOSEPH SLATER, & HENRY SUTCLIFF, Manufacturers, Manchester. *Further Div.* joint est. Nov. 19, at 12; and *Div.* sep. est. of each, Nov. 18, at 12: Manchester. *Com.* Skirrow.

SHERRATT, THOMAS, Flour Factor, 59 White Horse-st., Stepney. *Div.* Nov. 5, at 11; Basinghall-st. *Com.* Evans.

SMITH, GEORGE, Cabinet Maker, Pantechnicon, Queen's-rd., Brighton. *Div.* Nov. 5, at 12; Basinghall-st. *Com.* Goulburn.

TOMKINSON, JOHN, Stone Mason, Liverpool, and Runcorn, Cheshire. *Div.* Nov. 8, at 11; Liverpool. *Com.* Perry.

TYSON, WILLIAM, Corn & Flour Dealer, Liverpool. *Div.* Nov. 15, at 11; Liverpool. *Com.* Perry.

WATT, ELIZABETH, Stationer, Birmingham. *Div.* Nov. 8, at 10; Birmingham. *Com.* Balguy.

WRIGHT, HEATON, Timber Dealer, Burnley, Lancashire (Heaton, Wright, & Co.) *Div.* Nov. 8, at 12; Manchester. *Com.* Jemmett.

DIVIDENDS.

TUESDAY, *Oct.* 12, 1858.

BAILEY, JOHN GEORGE, Small Ware Dealer, Halifax. First, 1*s.* 4*d.* *Young*, 5 Park-row, Leeds; any day, 10 to 1.

BURKINSHAW & HUDSON, Curriers, Knaresborough and Wetherby. First, 5*s.* *Young*, 5 Park-row, Leeds; any day, 10 to 1.

COCKSHOTT, EDMUND & JOHN, Worsted Spinners, Shipley. Second, 4½*d.* *Young*, 5 Park-row, Leeds; any day, 10 to 1.

CROSSLEY, WILLIAM & GEORGE, Cotton Spinners, Elland. First, sep. est. of W. Crossley, 6*s.* 8*d.* *Young*, 5 Park-row, Leeds; any day, 10 to 1.

FEARNLEY, JOSHUA & JOSEPH, Silk Dressers, Brighouse. First, 9*d.* *Young*, 5 Park-row, Leeds; any day, 10 to 1.

HALEY, WILLIAM, Hatter, Leeds. First, 3*s.* 4*d.* *Young*, 5 Park-row, Leeds; any day, 10 to 1.

HOLMES, WILLIAM, Picture Dealer, Birmingham. First, 2*s.* *Kinnear*, 37 Waterloo-st., Birmingham; any Thursday, 11 to 3.

MOORE, JOHN, Cloth Manufacturer, Pudsey. First, 1*s.* *Young*, 5 Park-row, Leeds; any day, 10 to 1.

PATTERSON, JOHN, Sail Maker, Bristol. Div. 4*s.* 5*d.* *Miller*, 19 St. Augustine's-parade, Bristol; any Wednesday, 11 to 1.

SYKES, JOSEPH & EDWARD, Silk Dressers, Golcar. First, 1½*d.* *Young*, 5 Park-row, Leeds; any day, 10 to 1.

FRIDAY, *Oct.* 15, 1858.

BRIDGE, RICHARD, Cotton Spinner, Chatterton. First, 6*s.* 1½*d.* *Hernaman*, 69 Princess-st., Manchester; any Tuesday, 10 to 1.

BURD, JOHN, Calico Printer, Radcliffe, Manchester. First, 2*s.* *Pott*, 76 George-st., Manchester; any Tuesday, 11 to 1.

BUXTON, JAMES, Cotton Spinner, Leavengreave, Rochdale. First, 2*s.* 3*d.* *Hernaman*, 69 Princess-st., Manchester; any Tuesday, 10 to 1.

CHILTON, WILSON, Ship Builder, Bishop Wearmouth. First, 2*s.* 8*d.* *Baker*, Royal-arcade, Newcastle-upon-Tyne; any Saturday, 10 to 3.

GOULDEN, GEORGE, Builder, Liverpool. First, 5*s.* 7*d.* *Bird*, 9 South Castle-st., Liverpool; any Monday, 11 to 2.

HARRIS, T. M., Shipowner, Liverpool. First, 13*s.* 4*d.* *Bird*, 9 South Castle-st., Liverpool; any Monday, 11 to 2.

LACKERSTEEN, AUGUSTUS ALEXANDER, Merchant, 2 Broad-st.-bldgs. First, 1*s.* *Cannan*, 18 Aldermanbury; any Monday, 11 to 3.

LACKERSTEEN, AUGUSTUS ALEXANDER, & WILLIAM HAMILTON CRAKE, Merchants, 9 Moorgate-st. Fourth, ¼*d.* *Cannan*, 18 Aldermanbury; any Monday, 11 to 3.

LAWFORD, WILLIAM, Oil Crusher, Liverpool. Second, ½*d.* *Bird*, 9 South Castle-st., Liverpool; any Monday, 11 to 2.

MACKAY, JAMES, Timber Merchant, Liverpool. First, 6*s.* *Bird*, 9 South Castle-st., Liverpool; any Monday, 11 to 2.

NORBURY, MATTHEW CRAIG, Joiner & Builder, Manchester. First, 11½*d.* *Hernaman*, 69 Princess-st., Manchester; any Tuesday, 10 to 1.

NUTTALL, HENRY, & JAMES NUTTALL, Flannel Manufacturers, Rochdale. First, 3*s.* 8*d.* *Hernaman*, 69 Princess-st., Manchester; any Tuesday, 10 to 1.

ROBERTS, JOHN, Grocer, Pentre, near Mold. First, 5*d.* *Bird*, 9 South 9 South Castle-st., Liverpool; any Monday, 11 to 2.

ROBERTS & CONWAY, Corn Dealers, Mold. First, 1*s.* 4*d.* *Bird*, 9 South Castle-st., Liverpool; any Monday, 11 to 2.

ROWLAND, RICHARD, Innkeeper, Chertsey. First, 3*s.* 5*d.* *Cannan*, 18 Aldermanbury; any Monday, 11 to 3.

SEAMANN, CHARLES HENRY, Ship Chandler, North Shields. Second, 1*s.* 11 $\frac{15}{16}$*d.* (in addition to 1*s.* 2*d.* previously declared). *Baker*, Royal-arcade, Newcastle-upon-Tyne; any Saturday, 10 to 3.

TAYLOR, HENRY, & HENRY HOYLE, Cotton Spinners, Vale Mill, near Bacup, and Manchester. First, 20*s.* sep. est. H. Taylor. *Pott*, 76 George-st., Manchester; any Tuesday, 11 to 1.

WARD, GEORGE, Window Blind Manufacturer, Liverpool. First, 1*s.* 4*d.* *Bird*, 9 South Castle-st., Liverpool; any Monday, 11 to 2.

WHITMORE, HENRY, Tailor, Stockport. First, 6*s.* 2*d.* *Hernaman*, 69 Princess-st., Manchester; any Tuesday, 10 to 1.

WOOLF, LAWRENCE, Oil Cloth Manufacturer, Manchester. First, 2*s.* 10*d.* *Hernaman*, 69 Princess-st., Manchester; any Tuesday, 10 to 1.

WRIGHT, WILLIAM WILD, Grocer, Stockport. First, 3*s.* 3*d.* *Hernaman*, 69 Princess-st., Manchester; any Tuesday, 10 to 1.

CERTIFICATES.

To be ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting.*

TUESDAY, *Oct.* 12, 1858.

BARNES, PHILIP ABRAHAM, & JOHN BARNES, Woolstaplers, Blandford Forum, Dorset. Nov. 3, at 12; Basinghall-st.

BOOR, LEONARD GEORGE, Surgeon, 132 St. George-st., St. George in the East, Middlesex. Nov. 3, at 12; Basinghall-st.

BROWN, JAMES, Seed Merchant, Alcester, Warwickshire. Nov. 15, at 10; Birmingham.

CATTERNS, EDWARD, Hatter, Earl-st., Coventry. Nov. 8, at 10; Birmingham.

GARLICK, CHARLES, Ironmonger, High-st., Guildford, Surrey. Nov. 3, at 2; Basinghall-st.

HINDHAUGH, MARY, & ARTHUR FERDINAND DE NEWMANN, Timber Merchants, Newcastle-upon-Tyne. Nov. 4, at 12.30; Royal-arcade, Newcastle-upon-Tyne, on applon. of M. Hindhaugh.

LYDE, EDWARD, & PHILIP STONE, Warehousemen, Bristol. Nov. 5, at 11; Bristol; on applon. of each.

PARSONAGE, WILLIAM, Steam Packet Agent, Liverpool. Nov. 4, at 11; Liverpool.

STOCKWELL, FRANCIS WILLIAM, Bill Broker, 75 Old Broad-st. Nov. 2, at 12; Basinghall-st.

WHALE, HENRY, Commission Merchant, 25 Noble-st. Nov. 2, at 12.30; Basinghall-st.

WILD, WILLIAM, Machine Maker, Rochdale, Lancashire. Nov. 2, at 12; Manchester.

FRIDAY, *Oct.* 15, 1858.

BALDWIN, HENRY, & JOHN BALDWIN, Tailors, 31 Cornhill, and of Tom's Coffee-house, Cowper's-ct., Cornhill, Tavern Keepers, H. BALDWIN, also carrying on business separately as a Tailor, at 63 Cheapside. Nov. 8, at 11; Basinghall-st.

BAMFORD, SAMUEL, Builder, 5 Carlton-ter., Loughborough-rd., Brixton. Nov. 6, at 1; Basinghall-st.

CHALLIN, WILLIAM WEBBER, & JAMES DURRAN, Builders, now of 28 Weymouth-st., Portland-pl., and 14 William-st., Hampstead-rd., late of Halstead, Essex. Nov. 5, at 12; Basinghall-st.; on applon. of W. W. Chaplin.

COCK, JAMES, Carpenter, George-st., Portland-pl. Nov. 8, at 1; Basinghall-st.

JACKSON, WILLIAM, Fishmonger, Broad-st., Worcester, and of Great Malvern. Nov. 6, at 10; Birmingham.

JONES, JOHN, Beer-house Keeper, late of Aberavon, Glamorganshire, now a Prisoner for Debt in Cardiff Gaol. Nov. 8, at 11; Bristol.

MILES, JAMES, Grocer, Richmond, Surrey. Nov. 8, at 1.30; Basinghall-st.

OGG, ALEXANDER, Manufacturer of Iron Goods, Hope Iron Works, 9 Primrose-st., Bishopsgate. Nov. 5, at 11; Basinghall-st.

ROLFE, THOMAS, Pianoforte Maker & Dealer, 132 Regent-st., and Marshall-st., Golden-sq. Nov. 8, at 12; Basinghall-st.

THOMAS, GRIFFITH, Builder, 5 Montpelier-st., Walworth. Nov. 8, at 12.30; Basinghall-st.

THORNE, WILLIAM, Artificial Flower Maker, 4A Cripplegate-bldgs., and lately of Houndsditch, Draper. Nov. 8, at 2; Basinghall-st.

TOMS, ISRAEL, Horse Dealer, Newbury, Berks. Nov. 5, at 1; Basinghall-st.

WESTROP, JOHN KING, Glove Manufacturer, Staining-lane. Nov. 5, at 1.30; Basinghall-st.

To be DELIVERED, unless APPEAL be duly entered.

TUESDAY, *Oct.* 12, 1858.

APPLEFORD, RICHARD PERKINS, out of business, 15 Gloucester-rd., Regent's-pk., lately a Cement Manufacturer, in copartnership with J. Winkfield, at East Greenwich. Oct. 4, 2nd class.

ASHTON, JOHN, Plumber & Glazier, Littlethorpe, near Narborough, Leicestershire. Oct. 8, 3rd class.

BULCOCK, FREDERICK, Grocer, Colne, Lancashire. Oct. 6, 3rd class.

CROSS, SOLOMON, General Factor, West Bromwich. Oct. 8, 3rd class.

JAMES, ABRAHAM HENRY, & THOMAS ROBERTS, Builders, Newport, Monmouthshire. Oct. 8, 2nd class to A. H. James.

MILNES, ABRAHAM, & JAMES MILNES, jun., Cotton Spinners, Busk-mill, Oldham. Oct. 4, 3rd class to A. Milnes, after a suspension of 9 mos.

MORWOOD, JOHN, Grocer, Atherstone, Warwickshire. Oct. 8, 2nd class.

STRATFORD, THOMAS, Butcher, Birmingham. Oct. 8, 2nd class.

WILLATT, JOHN, THOMAS WILLIAMS, & RICHARD WILLIAMS, Earthenware Manufacturers, Hanley, Stoke-upon-Trent. Oct. 8, 2nd class.

WORSEY, EDWARD, Grocer, Porto Bello, Willenhall, Wolverhampton. Oct. 6, 2nd class.

FRIDAY, *Oct.* 15, 1858.

BARNETT, WILLIAM, Gas Engineer, 81 London-rd., Brighton. Oct. 9, 2nd class.

BENGER, JOSEPH ALFRED, Bookseller, 6 Queen's-head-passage, Newgate-st. Oct. 7, 2nd class.

CRAWFORD, MATTHEW, Ironfounder, Low Elswick, Newcastle-upon-Tyne. Aug. 26, 2nd class.

HODGES, WILLIAM RICHELIEU, Merchant, Manchester. Oct. 7, 1st class.

LOW, PERCIVAL SAMPSON, Ship Owner & Ship Broker, 4 Layland-cottages, Lavender-grove, Queen's-rd., Dalston, late of 12 Little Tower-st. Oct. 9, 2nd class.

SABEL, EPHRAIM, Merchant, 80 Coleman-st. Oct. 11, 2nd class.

SANDHAM, GEORGE, Cotton Spinner, Carr Mill, near Newchurch, in the Forest of Rossendale. Oct. 7, 2nd class.

Assignments for Benefit of Creditors.

TUESDAY, *Oct.* 12, 1858.

AMES, THOMAS, Tailor, Alton, Hants. Oct. 5. *Trustees*, G. E. Hill-Woollen Draper, St. Martin's-lane, Middlesex; J. Jefferis, Draper, Alton-Creditors to execute before Dec. 5. *Sol.* Clement, Alton.

BRUNSKILL, JOHN PEARSON, Inn-Keeper, Penrith, Cumberland. Oct. 7. *Trustees*, J. Scott, Gent., Penrith; J. Richardson, Spirit Merchant, Penrith. Creditors to execute before Dec. 7. *Sol.* Brunskill, Penrith.

GOUGH, HENRY GREGSON, Draper, 83, 84, & 85 High-st., Portland-town, Middlesex. Sept. 17. *Trustees*, E. Caldecott, Warehouseman, Cheapside; C. J. Leaf, Warehouseman, Old-change. *Sol.* Poncione, 5 Raymond's-bldgs., Gray's-inn.

HUTCHINGS, BENJAMIN, Grocer, Whitecroft, West Dean, Gloucestershire. Sept. 29. *Trustees*, L. Winterbotham, Esq., Stroud, Gloucestershire; J. Bellamy, Grocer, Gloucester. Creditors to execute before Dec. 29. *Sols.* Carter & Goold, Newnham.

MACADAM, ELIZABETH (E. Macadam & Co.), Tea & Coffee Dealer, Darlington. Oct 7. *Trustees*, J. Crossfield, Tea and Coffee Merchant, 3 Great Tower-st., London; T. M'Lachlan, Banker, Darlington. Creditors to execute before Jan. 7. *Sol.* Ornsby, Darlington.

MIDDLETON, EDWARD, Grocer, Sheffield. Sept. 30. *Trustees*, J. H. Barber, Manager of the Sheffield Banking Company, Sheffield; T. Appleyard, Grocer, Sheffield; J. Hall, jun., Wholesale Grocer, Sheffield. Creditors to execute before Dec. 30. *Sols.* W. & B. Wake, Castle-ct., Sheffield.

MINGAY, GEORGE WILLIAM, Auctioneer, King's Lynn, Norfolk. Sept. 16. *Trustees*, J. D. Thew, Stationer, King's Lynn; T. March, Draper, King's Lynn. Creditors to execute before Nov. 16. *Sol.* Ward, King's Lynn.

PARRETT, GEORGE, Linen Draper, 6 Rochester-ter., Rochester-row, Vauxhall-bridge-rd. Sept. 24. *Trustees*, S. Morley, Wholesale Warehouseman, 16 Wood-st.; E. Chatfield, Linendraper, 230 High Holborn. *Sols.* Davidson & Bradbury, Weavers'-hall, 23 Basinghall-st.

ROLFE, ALFRED, Timber Merchant, Dorrington-st., Clerkenwell. Sept. 24. *Trustees*, J. Eades, Timber Merchant, Regent's-wharf, Millwall; J. B. Goodman, Timber Merchant, Compton-st., Clerkenwell. *Sol.* Quick, 27 Ely-place.

FRIDAY, *Oct.* 15, 1858.

ACUTT, RICHARD, Draper, Bridge-st., Lambeth. Sept. 23. *Trustees*, G. Howes, Wholesale Warehouseman, St. Paul's-churchyard; J. Dillon, Wholesale Warehouseman, Fore-st.; C. J. Leaf, Wholesale Warehouseman, Old Change. *Sol.* Jones, 15 Size-lane.

DOUGLAS, JOHN, Ironfounder, Bishop Wearmouth, Durham. Oct. 9. *Trustees*, T. Potts, Timber Merchant, Monk Wearmouth; R. Cook, Agent, North Shields. Indenture lies at Northumberland and Durham District Bank, Newcastle-upon-Tyne.

GREEN, HARPUR, & ARTHUR JAMES STINKS, Drapers, Sheffield. Oct. 2. *Trustees*, J. T. Stuttard, Warehouseman, Wood-st.; S. Copestake, Warehouseman, Bow-churchyard. *Sols.* Mason & Sturt, 7 Gresham-st.

HARVEY, JOSIAH PEART, Miller, Wotton-under-Edge, Gloucestershire. Sept. 18. *Trustees*, J. Baily, Wholesale Grocer, Bristol; J. L. Morris, Wholesale Grocer, Bristol. Indenture lies at office of Barnard, Thomas, & Co., Public Accountants, Albion-chambers, Bristol.

MAYES, JOHN, Metal Dealer, 19 St. John's-sq. Sept. 29. *Trustees*, W. F. Farwig, Tinplate & Wire Merchant, Upper Thames-st.; W. Small, Metal & Hardware Agent, Cousin-lane, Upper Thames-st. Creditors to execute before Oct. 29. *Sol.* Myatt, 31 Throgmorton-st.

MOORE, JOHN, Grocer, Sowe, near Coventry. Sept. 30. *Trustee*, G. Hewitt, Hop Merchant, High-st., Southwark. Creditors to execute before Nov. 30. *Sols.* Surr & Gribble, 13 Abchurch-lane.

MORGAN, WILLIAM REES, & JOHN LLOYD, Drapers, Swansea. Sept. 22. *Trustees*, J. J. Cousins, Cloth Merchant, Leeds; W. C. Bird, Warehouseman, Manchester; J. M. Macfarlane, Warehouseman, Glasgow. *Sols.* Sale, Worthington, & Shipman, Fountain-st., Manchester.

NEWLAND, THOMAS, & ROBERT TIBBAM, Drapers, Steward-st., Spitalfields. Sept. 17. *Sols.* Davidson & Bradbury, Weavers'-hall, 23 Basinghall-st.

SPARROW, JOHN, Draper, Woolwich. Oct. 5. *Trustee*, J. Bouch, Warehouseman, Bread-st. *Sols.* Sole & Turners, 68 Aldermanbury.

TAYLOR, SAMUEL, Draper, High-st., Exeter. Sept. 16. *Trustee*, J. T. Stuttard, Wood-st. *Sols.* Mason & Sturt, 7 Gresham-st.

Windings-up of Joint Stock Companies.

Friday, Oct. 15, 1858.

LIMITED, IN BANKRUPTCY.

LONDON AND BIRMINGHAM IRON AND HARDWARE COMPANY (LIMITED).—Mr. Commissioner Holroyd will proceed, on Nov. 12, at 1, at the Court of Bankruptcy, Basinghall-st., to settle the List of Contributories in Class A.

NORTH LINCOLNSHIRE SHIP-BUILDING COMPANY (LIMITED).—A Petition has been presented to the Court of Bankruptcy, in London, by Creditors of this Company, for the Winding-up of the said Company; which Petition will be heard before Mr. Commissioner Evans, at Basinghall-st., on Oct. 23.

Scotch Sequestrations.

TUESDAY, *Oct.* 12, 1858.

ADAM, JAMES GRAHAM, Merchant & Calico Printer, Glasgow, and Denovan, near Denny, Stirlingshire. Oct. 19, at 12; Faculty-hall, St. George's-pl., Glasgow. *Seq.* Oct. 8.

BIRRELL, ALEXANDER, Merchant, Linktown of Abbotshall, trading as A. Birrell & Co., Kirkcaldy. Oct. 15, at 12; National-hotel, Kirkcaldy. *Seq.* Oct. 6.

GALLETLY, JAMES, Commission Agent, Dundee. Oct. 22, at 12; British-hotel, Dundee. *Seq.* Oct. 8.

M'ARTHUR, DONALD, formerly Hotel Keeper, Glasgow. Oct. 19, at 11; Faculty-hall, St. George's-pl., Glasgow. *Seq.* Oct. 7.

FRIDAY, *Oct.* 15, 1858.

EATON, FRANCIS, Builder, Glasgow. Oct. 20, at 12; Faculty-hall, St. George's-pl., Glasgow. *Seq.* Oct. 11.

M'EWAN, JAMES, Cabinet Maker, 16 Bath-st., Glasgow. Oct. 22, at 12; Faculty-hall, St. George's-pl., Glasgow. *Seq.* Oct. 11.

STRANG, ADAM, & JOHN HUNTER, Bleachers, Hogganfield, near Glasgow. Oct. 22, at 12; Faculty-hall, St. George's-pl., Glasgow. *Seq.* Oct. 11.

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THE SOLICITORS' JOURNAL.

LONDON, OCTOBER 23, 1858.

PROFESSIONAL EDUCATION.

It appears desirable shortly to recapitulate the steps which have been taken in the last few years, to secure an improvement in the education of future candidates for admission as solicitors. The importance of this subject was strongly urged in the report of the Metropolitan and Provincial Law Association for the year 1853. Suggestions from that body, and also from most of the local law societies of the kingdom, were about the same time laid before the Incorporated Law Society. At the meeting of the Association held at Liverpool in 1856, an earnest discussion took place, and some dissatisfaction was exhibited at the length of time which had been allowed to pass without any decisive action. A resolution was ultimately adopted, expressing the hope that the authorities of the Incorporated Society would be able shortly to deal with the subject. At the meeting of the Association held last year at Manchester, the matter of education was again one of the most prominent topics of debate, and a stronger tone of remonstrance was assumed at the tardiness of the body to which it belonged to initiate reform. The resolution passed on that occasion directed the Committee of Management of the Association to seek a conference with the Council of the Incorporated Society, and, if they should deem it necessary, to take further steps for accomplishing the desired object. A conference was accordingly held in January, and certain resolutions adopted by the Committee of the Association were then submitted to the Council, and a conversation took place which produced in the minds of the Committee an expectation that a scheme to carry out their wishes would speedily be framed and announced to them. But up to the time of the meeting of the Association, lately held at Bristol, no communication had been received by the Committee, and the report of the Council of the Incorporated Society only states that the proposals before it had been frequently considered, but much difference of opinion prevailed upon them. We have been informed, however, that, at a meeting of the Council held on 9th March last, it was resolved that, "if there be an examination on general subjects, such examination should be compulsory, and take place before articles;" and it was referred to a committee to settle a memorial to the judges. This resolution, we believe, has been understood as amounting to an adoption, by the Council, of the principle, that an examination upon general subjects should be imposed upon future candidates for admission. The hypothetical form of the resolution does, indeed, suggest a doubt whether this be really so, but we trust it will soon appear that a memorial, embodying the principle so often urged by the Association, has been actually presented to the judges. It is thought that the power of the Legislature must be invoked, to give effect to the proposed regulations, and it is necessary, as a preliminary step, to obtain the judicial sanction. An application to Parliament while the present Home Secretary and Lord Chancellor hold their offices is sure of favourable consideration. Lord Chelmsford will doubtless feel that he cannot have a better opportunity of showing that he desires to be considered "a fellow-worker with the Council in maintaining the character and honour of the profession." We quote these words from the answer of the Lord Chancellor to the congratulations of the Incorporated Society upon the attainment of his great office. The gratifying acknowledgment by the highest legal dignitary of the services of the Incorporated Society in purifying and elevating professional feelings and practice has been well deserved. It now remains for that body, with the powerful support of the Lord Chancellor, to provide, in enlarged educational requirements, the surest means of improving upon their past labours, and earning a double meed of praise from the chief of the law, as well as from all lawyers.

Amid the general concurrence of opinion upon this subject there yet remain persons who contend that Latin and French are not necessary to make a sound lawyer and a prudent manager of affairs, and, therefore, that a knowledge of these and other matters need not be exacted from those who seek to be admitted into the profession. No doubt there may be found, either in the persons of these objectors or elsewhere, examples of men who, by ability and force of character, have supplied the deficiencies of their education. But general regulations must be framed to suit average capacities, and if it be admitted that what is called a liberal education is the best preparation for the study and practice of the law, there can be no further question that the Incorporated Society is bound to apply the best tests that can be devised by human skill to prove whether the candidates who appear before it have been so educated. We know there have been clerks who, coming from a humble rank of life, have obtained from their masters, as the reward of much faithful service, the privilege of articles with a salary. It is said that such clerks would be excluded under the proposed system, and that the profession cannot afford thus to discourage hearty workers, and to reject from its ranks able and ambitious men. But it is quite a mistake to suppose that such a trifling obstacle would not be easily overcome by the force of a determined spirit. Mediocrities in sufficient abundance may, however, be obtained from those classes of society with whom it is a growing practice to send their children to good schools, if any such exist within convenient access. In order to constitute a profession of gentlemen it is desirable that the great majority of those who join it should be the sons of gentlemen. But those who become gentlemen in spite of birth can also, if it is required of them, become scholars without original education. If a man can raise himself above the rank of life where he was born, the energy and perseverance thus called forth will make him valuable to society in the higher station which he has won. But it is a great mistake to suppose that there ought to be no obstacles whatever in such a career. On the contrary, the good of the community requires that it should be arduous, but not absolutely closed.

The examinations of the two universities for the senior class of non-members may be safely taken as presenting a standard beyond which the Incorporated Law Society, at least in the earlier stages of the experiment, would not carry its educational exactions. Now surely it will not be pretended that a clever and industrious man, in the prime of life, cannot, by the judicious employment of his leisure hours, gain such a knowledge of the English language and literature, and of history and geography, as would satisfy such an examination. But we believe that Latin and French are the great bugbears, and it is thought hard that a man of mature years must turn from examining abstracts and drawing bills of costs to toil at elucidating with a dictionary the obscure passages of a delectus.

We answer, that the study of Latin furnishes a key at once to a large part of the difficulties both of the English language and of the English law. The earnest reader of our literature, and the diligent student of our jurisprudence, will not be content until he has supplied himself with this most valuable guide. If there be such a man among the salaried clerks in solicitors' offices, we should desire to see him a solicitor, and we are convinced that no educational requirements would prevent him from becoming one. The struggle with poverty and obscurity is difficult enough to try the stoutest heart, but it is not hopeless. There is no want of sympathy with the aspirants after higher social rank in those who are most active in this movement. On the contrary, they feel that the same spirit which prompts these efforts must be the source of all the energy and public usefulness of their own body. They desire to erect no barrier which a resolute untiring mind cannot overcome. Those who for their eminent qualities might claim to have the barrier removed, will find means to pass it; and, as regards all others, it is well that such a barrier exists.

It has been said that this improved education for which we are contending is all very well for those who are to be the advisers of the wealthy and highly cultivated classes, but that the poor also must have lawyers, and it is implied that a cheaper article will necessarily be of inferior quality. It might be argued in the same way that the spiritual guides of an indigent population must be rude and ignorant. But the history of Ireland may teach us what evils have resulted from the ministry of an illiterate clergy, and almost all statesmen are agreed to uphold the system which was devised to remedy them. It is part of the same policy to provide that the temporal advisers of the poor should, if possible, be educated gentlemen. The rewards of professional labour will no doubt vary in different spheres of action, but if a good education does not bring wealth it will at least ensure to its possessor the respect of himself and of his fellow-men. There is no fear at all that measures which tend to propagate among solicitors a taste for literature and science, and a command of the general principles of law, will render them inaccessible to humble clients. The more deeply a man studies his profession the more he will love the practice of it for its own sake, independently of selfish objects. And, besides, it should be remembered that the general standard of education in society is rising, and the examinations lately instituted by the universities promise to give to the movement a stronger impetus. The legal profession must share in the general advance, unless it resolves to abdicate its position and influence in the community.

THE IRISH CHANCELLOR ON LAW REFORM.

The jurisprudence section of the Social Science Association closed with its President's inaugural address, an arrangement which resulted from the choice of the Irish Lord Chancellor to fill the chair. However, the speech, whether delivered in its place at the opening of the sitting, or read on a less appropriate occasion, was really much too good to be lost, and as the Chancellor could not get leave to cross the Channel himself, we are very glad that he sent his address as his representative. Not being keen in party politics, we shall certainly not take exception to the liberal quality of the new Conservatism which the Lord Chancellor of Ireland preaches. In legal matters, at any rate, it is well that all parties are now prepared to recognise the necessity of progressive improvement; and from whatever quarter the sentiment may come, we are glad to be told by those in authority that the living law must not be left to perish in the arms of the dead. Naturally enough, the Chancellor made a prominent topic of his own half-accepted proposal for the establishment of a department of justice. The unanimous resolution of the House of Commons, in 1857, in favour of such an arrangement, with the acquiescent reply of the Crown, might fairly be thought to have settled the principle, and the Chancellor might well lament that "propositions have wings, but operation and execution leaden feet." His way out of the difficulty is one which it lies almost in his own power to follow, and he is evidently in earnest. "If the leaden feet will not move we must melt them," is about as fervent a dogma as ever fell from the lips of a Conservative Chancellor.

There is something very much better than the mere zeal of a new convert in the tone of the whole address. It breathes throughout a spirit of determined, and at the same time cautious reform, not fearing to encounter any question, nor yet venturing to rush to a precipitate decision. On one subject the Chancellor of Ireland is specially qualified to speak, and that is, as to the actual working of the Incumbered Estates Court, and the probable results of the more complete tribunal which has now superseded it. Until recently an incumbrance of a certain amount was an essential condition without which a Parliamentary title could not be obtained, and it was moreover necessary that an actual sale should take place under the direction of the Court. Experience has proved that the Parliamentary title is a boon so highly valued that fictitious incumbrances and collusive sales were frequently arranged in order to enable an owner to start afresh, with a clear title against all the world. No one can be surprised at this when he hears, on the authority of the Irish Chancellor, that the selling value of such a title is estimated at four years' purchase of an estate, which, in Ireland, must be equivalent to an increase of about fifteen per cent. on its price. Solvent landowners might well be eager to share in the privileges granted only to incumbered estates, and the Act of last session, under which a Parliamentary title may be obtained by any one who chooses to apply for it, was only a reasonable concession to the demands which the landed interest of Ireland was entitled to make.

It is worth remembering that this Landed Estate Court has sprung entirely out of a measure which was thought so revolutionary that nothing but the social nuisance of a race of bankrupt proprietors could have justified it. Had the Court been thrown open in the first instance, all the landholders of the country would have raised an outcry against a scheme which is now almost unanimously recognised as a permanent boon to the landed interest itself.

The Chancellor asks why the laws of England and Ireland should not be gradually assimilated, and it would certainly be difficult to say why the privilege of a Parliamentary title which is granted in the one country should be any longer withheld from the other. The pecuniary increase in the value of English estates could scarcely be so enormous as it has proved in Ireland, because the present condition of our titles is not quite so tangled as in the ordinary run of Irish estates; but the absolute certainty of an indefeasible title will fetch its value in any market in the world, and the aggregate increase in the selling price of the whole land in England, in consequence of an Act like that which is in operation in Ireland, would probably be very large indeed. There is no necessity here for the powers of compulsory sale, which formed the essence of the old Incumbered Estates Act, but an Act giving to any one who chooses to avail himself of it the option of obtaining a Parliamentary title, cannot much longer be withheld. The real question, which must be the preliminary to any legislation on the subject of land, was very fairly and temperately put by the Lord Chancellor:—"Can we preserve the settled uses of property and yet provide liberally for the present exigencies of society, for the wants which arise out of the changes which naturally, if not necessarily, result from the increase of commerce and the growth of manufacturing industry?" It is idle to look at one side only of the problem. We may, it is true, very easily preserve the settled uses of land, or we may with as little

difficulty adapt it to a commercial age. But unless we can reconcile both objects by really conservative amendments of the law, nothing is done. There is no man better qualified to take a leading part in a reform of this kind than the Chancellor of Ireland, and we hope that his thoroughly earnest and suggestive speech is only the prelude to cautious, but at the same time energetic, efforts for the amelioration of the law. The influence which the Irish Chancellor must have in legal matters with the Government is very considerable, and without assuming that the address read at Liverpool expresses anything more than the opinions of its author, we still regard it as a favourable indication of the temper in which law reform is likely to be approached. Complimentary acknowledgments are not always strictly confined to truth, but there was evident genuineness in Lord Brougham's remark, that he hardly remembered anything to have proceeded from any branch of the profession, more especially from the woolsack, which had struck him with greater admiration. Most persons who have read the address will probably be of a somewhat similar opinion.

There is only one comparatively small topic on which we are disposed to differ from the views of the Lord Chancellor, and that is, the practical question how the judgments of the Courts may best be reported. The theory of the address is plausible enough, that the reports should be issued by authority, and conducted by an official staff. But it is sometimes desirable to inform the public of decisions which the Court itself might not be anxious to publish, and as a matter of experience the official system when tried in Scotland, and the semi-official plan of our own authorised reports, have not been very successful in securing a good selection of cases for reporting, or in providing the public with early intelligence of what passes in the Courts. The stimulus of competition, on the other hand, has been sufficient to insure reports which have been acknowledged, by judges most opposed to the system, to be marvels of accuracy and despatch. Our own connection with a series of reports, which produces week by week a faithful record of the most recent decisions, may make us partial judges in the matter; but we think that our readers will not be inclined to condemn a system which supplies them with independent reports, following the steps of the Courts with a rapidity never before attempted, and an accuracy which is scarcely ever impugned. If, however, any new organisation for reporting should be attempted, it ought certainly not to follow the *via media* between officialism and absolute independence, which has proved so unsatisfactory and costly in the case of the English Courts.

Legal News.

NATIONAL ASSOCIATION FOR THE PROMOTION OF SOCIAL SCIENCE.

The first general meeting was held in St. George's-hall, Liverpool, at half-past seven p.m, on the 11th inst.

Lord J. RUSSELL presided; his inaugural address contained the following remarks:—

"At our meeting last year the question which excited the greatest interest in the department of jurisprudence was the Amendment of the Bankruptcy Law. After some papers had been read, and discussion had taken place, the association agreed, upon my motion, to appoint a committee, consisting of three delegates from the National Association and two delegates from each of the Chambers of Commerce and Trade Protection Societies in the kingdom. This committee met on the 17th and 18th of November at Birmingham. They agreed to a series of resolutions, which were afterwards embodied in a Bill, and laid before the committee in London. The provisions of this measure have been ably explained by Mr. Hastings, in an address delivered on the 20th of May last. I will shortly advert to the main provisions of the Bill. The Bill consolidates and amends all the statute law relating to bankruptcy and to insolvency. It is proposed that the Insolvent Court of London and the separate insolvent jurisdictions of the county courts should be abolished, and that the law of bankruptcy and insolvency should henceforth be administered by one tribunal. It is not meant to contend by this proposal that there is no difference between bankruptcy and insolvency. But there are many cases which border closely on bankruptcy, and yet are ranged under insolvency; or which border on insolvency, and yet are ranged under bankruptcy. There can be no reason why one Court should not deal with both subjects, and decide for themselves the proper character of the transactions brought under their notice. There is no greater mischief in this country than the multiplicity of courts, causing delay, expense, confusion, and frequently injustice. In the same view of simplicity and equality, it is proposed to abolish the distinction between trader and non-trader. A landowner who is a shareholder in a company and a physician who sells his skill in the shape of prescriptions would be treated by the Bill in the same way as a partner in a mercantile house or an apothecary who deals in drugs. Nor is it easy to justify the distinctions which are now made. In Scotland, where one Court administers law and equity, the distinction does not exist. I hope the Association will approve this. Perhaps the most important portion of the proposed change is that which relates to private agreements among creditors. Agreements signed in the shape of deeds or memoranda by a majority in number and four-fifths in value will be held obligatory on creditors who have not signed. Thus merchants will be enabled to do in the face of, and with the assistance of the law, that which they have hitherto done apart from, and in despair of the law. Supposing, however, private arrangements to fail and adjudication to issue, it is proposed that an official assignee should instantly take possession of all the property of the bankrupt. Within fourteen days after adjudication the creditors are to meet, and when they have proved their debts they are to proceed to the election of a creditors' assignee, who is to be the sole assignee of the bankruptcy. In Scotland the custom is to apply to the Court for the appointment of an interim factor, who keeps the property till the election of a trustee. It is thought, but not without doubt, that the maintenance of the official assignee of England is preferable to the adoption of the provisions of the Scotch law. In this way the committee have endeavoured to keep distinct the mercantile and judicial elements in bankruptcy. They have left in the hands of mercantile men that which mercantile men are as competent to perform as official men, and have a greater interest in performing speedily and well than official men can have, while they have avoided vesting judicial functions in the hands of creditors. With respect to the penal part of the Bill, and the proposed jurisdiction of the county courts, I do not mean to trouble you. Neither will I enter into the differences which exist between the Bill of the committee which I introduced into the House of Commons, and one introduced some time after in the House of Lords by the Lord Chancellor. In the department of law these provisions and these differences can be fully discussed, and the course to be adopted next session can be determined. I shall be happy to give my aid, such as it is, to the great purpose of amending the law of bankruptcy and insolvency in such manner as may be thought most desirable. In case of my proceeding with the Bill, Mr. Headlam, who has taken great pains with this subject, will supply the knowledge in which I am wanting. I come now to the consolidation of our laws. No one can doubt that it would be a great public benefit if our laws could be set forth in a clear style, and contained in two, three, or four volumes of modern compass. Nor will any one deny that the first step to such a result should be the compilation of our existing statutes, subject by subject, without material alteration. But what I maintain is that the mere enactment of such a compilation, unless Parliament were determined to go further,—to repeal what is obsolete, to supply what is defective, to condense what is dispersed, and to place in lucid order what is obscure and confused,—would be of little advantage. So far, most men will agree with me. Then, to explain my meaning, I will refer to what has been done almost in our own day in two foreign countries. At the beginning of this century the First Consul determined to bestow on France a simple and enlightened code of laws. For this purpose he assembled a council, in which the civilians of the days of Louis XVI. sat by the side of the lawyers of the regicide convention. There he would sit from 12 o'clock at noon till 5 in the afternoon, marking out the best foundations on which property, marriage, commerce,—in short, all the complicated relations of life and the security of life itself were to repose. When the work had been for some time proceeded with it was sent to all the legal tribunals of France, with a

request that any remarks which the judges might have to make should be transmitted to Paris. Thus debated, discussed, draughted, corrected, augmented, and revised, the Code Napoleon, in its different portions, was published, at intervals extending over seven years, as the law of France. And now, the transactions between man and man, the trial of the offender, the adjudication of property throughout the French Empire, are still regulated, and probably will long be regulated, by the statutes of the immortal legislator. Let us take a more recent example. Not many years ago the State of New York determined to revise their laws. In 1827, the revisors, John Duer, Benjamin F. Butler, and John C. Spencer, made their report to the Legislature. In a note to each section which they proposed for enactment they stated fully and clearly the then existing defects of the law, and the manner in which, in their opinion, the proposed section would remedy such defects. Thus the Legislature had clearly before them—1. The existing law; 2. Its presumed defects; 3. The proposed remedy. The result was so satisfactory, that, in special sessions summoned for that purpose, the Legislature of the State of New York, adopting, in most cases, the opinions of the revisors, consolidated their code of laws. The laws of Louisiana have been revised in a similar manner, with the assistance of men of the highest reputation for knowledge and ability. If we now proceed to consider what has been done in this country we shall find that from the days of Lord Chancellor Bacon to those of Lord Chancellor Chelmsford the revision and consolidation of the law has been a consummation devoutly to be wished. Five years ago the enactment of a code was held out to our expectations; each year we were said to be at the beginning of the beginning; three administrations and four sessions of Parliament have promised, undertaken, and dropped the work. Is it not time that we should set about the task in earnest? I will venture to say, that if four or five persons of competent qualification, were appointed as commissioners, they would, in a few months, make an actual commencement, and in a few years present to Parliament a complete code, worthy of the country, simplifying and improving our laws, on principles fit to be adopted in an enlightened age, and founded on the solid masonry of our ancient legislation. Nor can I doubt that such a work would be sanctioned by Parliament; not indeed without debate, but without serious delay. I am now about to speak of two subjects, as examples of what I should wish to see: one, the amendment of the law of real property; the other, the revision of the criminal law. Our law of real property is involved in a maze of technical difficulties. It has been truly said to be the most abstruse branch of English jurisprudence. Of the Code Napoleon, on the other hand, it has been said, "in the civil law the regulations concerning the enjoyment, alienation, and transmission of real estate, comparatively speaking, are neither numerous nor difficult to be understood; and in the Code Napoleon they form a very small and perfectly intelligible portion of that immortal work. It is not extravagant to say that the French law of real estate may be sufficiently understood by a few days of diligent study." The revisors of the State of New York have laboured to introduce simplicity into their amended law of real property. They have with this view proposed that no disposition of real property should extend beyond the lives of two persons living at the time of the creation of the estate, who should live to attain their majority. This provision now forms part of the law of New York. I am not saying we should adopt this provision; it may act harshly in some instances—it may sweep too widely in others. Lord St. Leonards, however, whose *Handy-Book of Real Property* is a boon to the whole community, has expressed his opinion that a young society ought not to be entangled in the complications of our law of real property. But if so, why should an old society not make an effort to be free from them? I recommend this important subject to the special consideration of the department of jurisprudence."

Wednesday, Oct. 13.

JURISPRUDENCE AND AMENDMENT OF THE LAW.

Mr. G. W. HASTINGS, in opening the proceedings, said, that the special committee on the bankruptcy and insolvency laws had met on the previous day in St. George's-hall, and had framed certain resolutions to be presented to the section, which he should move at the end of his remarks. Having recounted the proceedings of the committee appointed last year, of which he had been chairman, Mr. Hastings went on to allude to the expenses of the Bankruptcy Courts, which were much greater than should attach to any court. Above all, a court of bankruptcy should never be an expensive court, because it was istituted for the purpose of dividing among the creditors all the property that could be laid hold of, regard being had to justice and to the efficiency of the court. It was impossible to give an accurate account, but statements which might be taken as an approximation to the truth showed that the expenses in bankruptcy pressed most severely on small estates. Two important questions which suggested themselves were, first, the question of compensation to officers under the old Act; and, secondly, the salaries to the present officers under the recent system of bankruptcy—in both cases the officers being paid out of the funds of the Court. He thought that there was no reason why the present creditors in bankruptcy should pay for annuities to officers under the old Act. The Bill proposed to provide for the transfer of all those annuities to the Consolidated Fund; and he hoped that the department would express its opinion that such a provision should be inserted in any Bill on the subject of bankruptcy brought in by Government. Salaries, the committee proposed, should be defrayed out of the public funds, as the Bankruptcy Court, like all other courts, was a court of administration and a court of public justice. Another evil in the present state of the bankruptcy law was the small control that creditors were allowed to have over the mercantile portion of the bankruptcy. He was not desirous that the creditor should interfere in the judicial portion of the bankruptcy, which should be kept distinct in the hands of a highly-paid and competent judge, but that the mercantile part of the bankruptcy should be, as far as possible, in the hands of the creditors. Those were most likely to look after the estate efficiently, and to have the estate divided cheaply, rapidly, and honestly; and if they did not look after their own interests the consequences must recoil on their heads in the loss of dividend. The committee in their Bill drew a wide distinction between the judicial and mercantile element. They proposed that on the first meeting of creditors after the adjudication had been filed the creditors should proceed to the election of a creditors' assignee, who should manage the whole mercantile portion of the bankrupt's estate, who might be the official assignee, and should be the sole assignee of the bankruptcy. The committee proposed that the mode of the payment of the dividend, which had been complained of as dilatory, should be improved, and that they should endeavour to diminish the expenses in court by decreasing the number of meetings of creditors. The committee felt that there was a great want of adequate provision for the local administration of bankrupt law. To meet this, it was proposed, that, after the adjudication of bankruptcy in the court, upon the day of election of the creditors' assignee, the creditors should proceed to elect whether they would take the case into the County Court, or proceed in the Bankruptcy Court. Having stated that the Bill proposed to abolish the distinction between the Insolvency and Bankruptcy Court, Mr. Hastings said, he could not see why professional men and traders should be dealt with distinctly, no such distinction being recognised in Scotland. Mr. Hastings concluded by submitting the first resolution:—

"That, in the opinion of this department, any measure for the amendment of the bankrupt law ought to provide for the following reforms:—First, the transfer of the compensations and salaries now charged on the estates under adjudication to the Consolidated Fund. Second, a diminution of the entire cost of the court, by a reform of the mode of administering justice therein. Third, a consolidation of the statute laws relating to bankruptcy and insolvency, under a single jurisdiction; the abolition of the distinction in the administration of the estates of insolvent traders and non-traders; and the winding-up in bankruptcy of estates of deceased insolvents. Fourth, to give all due facilities to voluntary settlements, providing for their registration in court. Fifth, to assimilate the proceedings in court, as far as possible, to those of a settlement out of court. Sixth, to provide greater local facilities for the administration of justice in bankruptcy."

Mr. E. HEATH said, that he had presided over the conference of the mercantile representatives at Birmingham, when the twenty-four resolutions on which the Bill of the committee was based were adopted, and had great pleasure in seconding the resolution.

Mr. RAYNER, secretary to the Huddersfield Chamber of Commerce, supported the resolution, and expressed his conviction that the Bill of the committee would be preferred by the commercial community to that of the Lord Chancellor. Indeed, he thought that the latter might be dismissed from their consideration altogether.

Mr. G. G. LLOYD, as one of the representatives of the Birmingham Chamber of Commerce; Mr. WHITWELL, as the reprcsentative of the Bristol Chamber of Commerce; Mr. LUPTON, president of the Leeds Chamber of Commerce; Mr. DARLINGTON, of the Bradford Chamber of Commerce; Mr. BISSINGTON, of the Trade Protection Society of the West Riding; and Mr. LILLYMAN, president of the Liverpool Guardian Society for the Protection of Trade, on behalf of the

several societies with which they were connected, expressed their approval of the Bill of the committee.

Lord BROUGHAM said, that it was now admitted on all hands that nothing could be more preposterous than the present mode of paying the official assignee, the consequence of which was, that sometimes the emoluments amounted to £5000, and at other times to not more than £500. The official assignee should clearly be paid by salary and fee, a maximum being fixed beyond which he should not be entitled to anything, and a minimum below which he ought not to be allowed to go.

The resolution was then carried unanimously, as were also the three following, which were moved by Mr. HASTINGS, and seconded respectively by Mr. LUPTON, Mr. DOWNING (Vice-president of the Birmingham Chamber of Commerce), and Mr. BISSINGTON:—

"That, in the opinion of this department, the Bankruptcy and Liquidation Bill introduced into the House of Lords by the Lord Chancellor at the close of the late session fails to meet the above-mentioned requirements."

"That this department approves the Bankruptcy and Insolvency Bill prepared by the special committee appointed by the Association at its last annual meeting, and introduced into the House of Commons by Lord John Russell; and recommends the Association to endeavour to obtain its enactment into law, with any modifications and improvements that may be found desirable."

"That the association be recommended by this department to appoint a general committee on mercantile legislation, constituted similarly to the special committee on bankruptcy appointed last year, such committee to be charged with the care of the Bill now approved by this department."

Thursday, Oct. 14.

Lord BROUGHAM presided. Mr. C. BOUSFIELD, of the Leeds Chamber of Commerce, read a paper on the "Registration of Partnerships;" and after discussion, a resolution was carried by twenty-three to three, that registration of private partnerships was imperatively called for, and that the subject should be referred to the special Law Committee.

Papers were read by Mr. WAKEFIELD on the "Law of Savings Banks;" by Mr. DARLINGTON, on the "Desirability of Incorporating Chambers of Commerce by Charter; and by Mr. E. HEATH, on the "Existing Necessity for Social and Permanent Civil Courts."

Mr. G. W. HASTINGS, in an address upon the consolidation of local courts, observed, that the non-existence of local courts of plenary jurisdiction was quite of modern date, for that some centuries ago, in all the principal towns in the kingdom, more especially in the mercantile towns, local courts possessing such powers had existed. These had fallen into desuetude, because their judges, the recorders, had ceased to be resident, and because they possessed no power of enforcing their judgments beyond the boundaries of their respective boroughs—a defect not felt when trade was concentrated and communication difficult between different parts of the country, but fatal in modern days, when contracts were made by mercantile men over the whole kingdom. After descanting upon the history of recent county court legislation, he proceeded to develop his plan, that in each of our large towns a borough court should be established by uniting together our present bankruptcy and county courts, the recorder's court, and any other local tribunal that might exist; that the recorder should be chief judge, assisted by one or two deputies, who should all be compelled to reside in the locality, and be paid such salaries as would make their posts objects of ambition to lawyers of eminence. He showed that the salaries now paid were sufficient to defray the expenses; and he concluded by describing the operation of the Lord Mayor's Court in London, which had the same origin as the ancient courts in other places, and which, like them, fell at one time into disuse, but had recently been so improved by an Act of Parliament as to form a valuable local tribunal for the citizens of London.

Lord JOHN RUSSELL approved of the suggestions made by Mr. Hastings.

Mr. EDGAR read a paper from Mr. Milne in praise of the "Scotch Sheriffs' Courts;" but

Mr. M'LAREN, of Edinburgh, expressed his preference for the English county court system; while

Mr. MITCHELL, of the Edinburgh Chamber of Commerce, spoke favourably of his experience of the Scotch Sheriffs' Courts.

Several other papers having been read in this department, two resolutions were carried, the first, that it was desirable that Chambers of Commerce should have charters of incorporation; and the other, based upon Mr. Danson's paper, "On the Law relating to Foreign Debtors," "That it is desirable that the law of attachment now in force be abolished; and that a law be enacted embodying the principle of the Scottish law of arrestment, and made applicable to the United Kingdom; and that the subject be referred to the mercantile law committee."

THE METROPOLITAN AND PROVINCIAL LAW ASSOCIATION.

(From the *Birmingham Daily Post.*)

The Metropolitan and Provincial Law Association met at Bristol last week; read papers, and transacted business; and dispersed. No "special correspondent" appears to have attended its meetings; and the public, so far as extraneous information goes, might remain ignorant of the facts. Why is this? If either the character of the objects proposed, or the propriety of a peripatetic exhibition of those objects be considered, the meetings of the Metropolitan and Provincial Law Association deserve at least equal attention with those of any other body. There are at least ten thousand practising attorneys in England. Everybody knows the enormous amount of influence which this aggregate has in society, and in the affairs and prosperity of almost every man in the community. Can anything be more important, more invaluable, than that such a body shall be induced to maintain a true and ennobled sense of the responsibility of their position? There is no other in England equal to it. Certainly not that of barristers, whose connection with clients is momentary and incidental only, and not that of habitual confidential advisers. There is a large number of the corps in every town; nothing, therefore, can be more fitting than that the meetings of the associated body should be one year in one town, and another in another. Were its objects selfish, the silence of the press as to its proceedings would be just. They are not so, but the very reverse, all the conventional sarcasms against forensic rapacity to the contrary notwithstanding; for strange as it may sound to some, lawyers have a deep interest in the well-being of their fellows.

The last meeting took place at Bristol last week, under the presidency of Mr. Arthur Ryland, of this town, than whom, though he has no handle to his name, there could be no more fitting representative of an honourable profession,—position in which depends, not on favour, but upon ability, industry, and integrity. The profession of the law, whatever else may be urged against it, is at least a perpetual evidence of the working of the competitive system now so popular; for it is only by superior excellence, vindicated in fair struggle, that stratus in its ranks can be acquired, or maintained when won. The subjects which have been discussed before the association illustrate its character. The president stated, in his inaugural address, that, of the papers read, "seven have been on subjects immediately connected with the position of attorneys, including the all-important subject of legal education; eleven are on suggested amendments of the law; two are on certain recent statutes; two are on the consolidation of the statutes, &c. And it is shown that the aim has been to promote the general good of the public, and not any narrow objects of professional interest. The actual illustrations given, which our space does not allow us to enter into in detail, prove the activity, and the successful activity, of this body in several matters of great importance in recent legislation. If this be contrasted, either with the pompous pretensions of the Law Section of the Social Science Association, or with the figure cut by the Attorney-General in the last session (who put down "notices" night after night, for months, and took care that they never came on), it will be seen that one of the best hopes that the public have of judicious watchfulness in the direction of modern legislation, will be found in the activity of this association. The matter may at first sight appear somewhat too professional or technical for the majority of newspaper readers or for newspaper treatment; but, as we have just said, there can be no greater fallacy; for whatever conduces to the well-working of any portion of the machinery of jurisprudence in any country, more especially in a country like this, distinguished in a pre-eminent degree by its reverence for law, must be of the most direct importance to the community at large. One of the most deeply-impressed convictions of the national mind at this moment is the necessity for large reforms in various departments of our legal system; but to ignore, as the public and its press are but too prone to do, such a movement among such a body as we have spoken of, is the surest way to enable the obstructives of reform to neutralise all efforts to obtain it.

In the Liverpool Bankruptcy Court, before Mr. Com. Perry, a petition *In re Tristram* was presented, alleging that Mr. Patrick Hunter, wool-broker, and trade assignee, and Mr. Lowndes, solicitor to the estate, had accepted money to induce them to forbear opposition to the certificate, and so had rendered themselves liable to a penalty of £500. His Honour dismissed the petition with costs. Notice of appeal was given by Mr. W. K. Tyrer.

There is no truth in the report which is going the round of the papers, that Mr. J. D. Coleridge is to be raised to the rank of a Queen's Counsel at the commencement of the approaching Michaelmas term.—*Globe.*

Legislation of the Year.

21 & 22 VICTORIÆ, 1857-8.—(*Continued.*)

CAP. XCI.—*An Act to enable Joint Stock Banking Companies to be formed on the Principle of Limited Liability.*

Few statutes have become more interlaced with one another, and, consequently, as a whole more complicated, than the group which have been passed within the last two or three years to regulate joint stock associations, which are not within the class of corporations at common law. The foundation of the existing system with regard to these, was the Joint Stock Companies Act, 1856 (19 & 20 Vict. c. 47), by which the principle of "limited liability" (which had been introduced, but with insufficient machinery, in 1855) was established—that is to say, the principle by which these companies are statutably excepted from the ordinary incidents of partnership, in such manner as to allow them, under certain conditions, effectually to limit the liability of their members towards the public to make good the company's debts, to the extent of their respective shares. This statute of 1856 was amended in some of its details in 1857, by 20 & 21 Vict. cc. 14, 80; and again, in the session which has just expired, by an Act already discussed, viz. the 21 & 22 Vict. c. 60.* From the new scheme, however, there is one class of companies altogether excepted, which would otherwise have fallen under it. We allude to insurance companies, with the special enactments as to which we are not on the present occasion concerned. They are, however, to be found in 19 & 20 Vict. c. 47, s. 2, 20 & 21 Vict. c. 14, s. 23, and c. 80; and their general result is, that most insurance companies are under the provisions contained in the Joint Stock Companies Act of 1844 (7 & 8 Vict. c. 110, amended by 10 & 11 Vict. c. 78). Another class of companies, at first altogether excluded from the new scheme, were those formed (or to be formed) for the purpose of *banking*, under the arrangement come to, in the year 1826, with the Bank of England, for the introduction of *joint stock banks*, as amended in subsequent sessions. (See 7 Geo. 4, c. 46; 3 & 4 Will. 4, c. 98; 7 & 8 Vict. c. 32; 19 & 20 Vict. c. 20.) But in the year 1857, it became admitted that no sound reasons existed for the exclusion of joint stock banking companies altogether from the machinery established with regard to other companies; and hence, by the Joint Stock Banking Companies Act, 1857 (20 & 21 Vict. c. 49), they were subjected generally to the same regulations; but still with a proviso that no banking company should be registered as "limited." For, even as recently as the Act last mentioned, the public mind was not prepared to relax the principles of common law partnership with regard to *banking*. Against a contingency in which such momentous consequences to the community are involved as the breaking of a bank, it was considered that too many safeguards could not be retained; and that, in this matter, as in others of social regulation, the interests of the shareholders themselves (a section only of the community at large) were as dust in the balance, compared with those of the public. Recently, however, several of these disasters have happened; and the general misery they occasioned was not apparently much lessened by the fact of the complete ruin which overtook the shareholders by reason of their being liable to the whole extent of their property to make good the engagements of the concern to which they belonged, but in the conduct of whose affairs they had taken no part. And it was probably owing to the gradual diffusion of this consideration, as well as to a feeling that the principle of "limited liability" could not be fairly tried while so important a class of companies as joint stock banks were compulsorily excluded from its operation, that the alteration in the law, carried into effect by the Act under discussion, is to be ascribed. The manner in which it is done is by a simple removal of the prohibition contained in the Joint Stock Banking Companies Act, 1857, against banking companies registering themselves under the Joint Stock Companies Acts of 1856, 1857, as "limited." The permission for them, however, to register themselves as "limited" for the future, is still clogged with certain restrictions. 1. No company issuing their own notes are to be entitled to limited liability in respect of such issue. But it must be borne in mind, that, by 7 & 8 Vict. c. 32, no *fresh* bank can now be formed upon the plan of issuing their own notes. 2. Every *existing* bank registering itself as limited, is required, at least thirty days previously to obtaining the registrar's certificate, to give notice that it is intended so to register, to all persons and firms having a banking account with the company; and, with reference to the account between the company and any persons to whom such notice shall be omitted (or as between the company and the person or persons only who are for the time being interested in the account in respect of which the notice ought to have been but was not given) the certificate of registration with limited liability shall have no operation. It is presumed that the portion of the Act above printed in a parenthesis has reference to intervening rights, as of assignees or judgment creditors. 3. Every banking company commencing as or becoming "limited," must, at the outset, and afterwards on the 1st February and 1st August in every year, put up, in a conspicuous place in their registered office, a statement of their liabilities and assets for the current half-year; and for every day during which a default herein shall continue, each of the directors is made liable to a penalty of £5, to be recovered "in a summary manner." It is noticeable that, though it is doubtless intended that such statement should *remain* so affixed until succeeded by that of the following half-year, it is not so expressed in the Act. Moreover, though the penalties are to be recovered "in a summary manner," the Act under discussion is not made part of the Joint Stock Companies Acts, so as to incorporate their penal machinery. And it may also be observed, that the framers of the present Act have forgotten to name it the "Joint Stock Banking Companies Act, 1858," as it should have been called, to be consistent with the rest of the group. 4. Finally, the Act under discussion directs that "limited" banking companies are to be wound up in the same manner, and under the same jurisdiction, as specified in 20 & 21 Vict. c. 49, with regard to *unlimited* banking companies; that is to say, according to the manner directed by the Joint Stock Companies Acts, 1856, 1857. With regard to the subject of "winding-up," we may further observe, that certain companies, or co-partnerships, established for banking prior to the 20 & 21 Vict. c. 49, or established for any other business, except that of banking or insurance, prior to the 19 & 20 Vict. c. 47, are enabled, by the 23rd section of the Joint Stock Companies Amendment Act, 1858, already discussed,* to register themselves for the limited purpose only of being wound up in the manner provided by the Joint Stock Companies Acts, 1856, 1857.

CAP. XCII.—*An Act to provide for the Conveyance of County Property to the Clerk of the Peace of the County.*

The object of the Act under discussion is to constitute the clerk of the peace of each county a kind of official trustee in respect of a variety of transactions, the parties to which are the justices of the county on the one side, and some other contracting person or persons on the other. Hitherto, practical inconvenience has arisen from there being no legal representative of the collective magisterial body, who, under the powers of some Act, buy land or would contract for county purposes. This evil (which is analogous to that which led to allowing unincorporated associations to sue and be sued through the medium of a single person) has generally been alleviated by the expedient of conveying the land or entering into the contract with A., B., and C., as trustees for the justices and the public; but it is obviously the more convenient method to erect a corporation sole, for this particular service, in the person of the clerk of the peace and his successors. This is accordingly done by the Act under discussion. By the 1st section, wherever the justices may purchase or hire for the county any lands, tenements, or hereditaments, they may direct the conveyance to be made and taken to and in the name of the clerk of the peace for the time being of the county and his successors, in trust for the county. By the 2nd section (except where otherwise specially provided by Act of Parliament), the justices may order any contracts or agreements into which they enter for county purposes to be made and entered into on their behalf in the name of the clerk of the peace for the county for the time being. By the 3rd section (except in cases as aforesaid), all lands, tenements, and hereditaments, heretofore purchased or hired by the justices for the county, and conveyed to trustees, shall, on a sessional resolution passing to that effect, become vested in the clerk of the peace thereof, and his successors, upon the same trusts; and by the 4th and last section of the Act, the necessity for the enrolment of grants and conveyances in trust for the justices for county purposes is taken away, both retrospectively and for the future.

As an example of the practical effect of the Act under discussion may be instanced the 4 & 5 Vict. c. 49, by which the

* Ante, p. 926.

* 21 & 22 Vict. c. 60, sup. p. 926.

justices are enabled to borrow money for repairing county bridges on the credit of the county rate. Agreements for this purpose are declared by the Act to be effectual if signed by the chairman of the sessions and two other justices, present when the order of sessions confirming the agreement is made. But no provisions are made for the enforcement of such agreements on either side. They will now be made in the name of the clerk of the peace; who may sue and be sued on them, and the costs defrayed out of the county rate.

Cap. XCIII.—*An Act to enable Persons to establish Legitimacy and the Validity of Marriages, and the Right to be deemed natural-born Subjects.*

The novel proceeding authorised by the Act under discussion appears to have been borrowed, in the principle on which it is established, from a jurisdiction long exercised by the Court of Chancery—viz. that of *perpetuating testimony*. In both cases proceedings are instituted by one who is interested in the settlement of a question which has not yet been made the subject of litigation. The remedy in equity was, a few years ago, recognised and extended by an Act of Parliament; viz. by the 5 & 6 Vict. c. 69, which enables a bill to be filed by any person in order to perpetuate testimony which may be material for establishing a right or claim to any honour, title, dignity, or office—a right or claim which is contingent only upon the happening of some future event. The Act under discussion, however, takes a bolder range; and allows certain questions to be raised and absolutely determined by the act of the interested party—not merely evidence to be recorded material to the question when it shall become agitated. The Act recites that "it is expedient to enable persons to establish their legitimacy and the marriage of their parents and others from whom they may be descended, and also to enable persons to establish their right to be deemed natural-born subjects," and, in pursuance of this object, confers upon the Court for Divorce and Matrimonial Causes jurisdiction to pronounce, upon a petition presented for that purpose, a decree declaratory of the fact desired to be established. The decrees which the Act authorises are to the following effect: First, "that the petitioner is legitimate, and that the marriage of his father and mother, or of his grandfather and grandmother, was valid;" or declaring either of those matters separately. And the petitioner may be, 1. Any natural-born subject who is domiciled in England or Ireland, or who claims any real or personal estate in England. 2. Any person whose right to be deemed natural born depends wholly or in part on his legitimacy or on the validity of a marriage, and who is similarly domiciled, or who has any such claim. Secondly, a decree on the petition of one coming within either of the above two classes, that the petitioner's own marriage was, or is, valid. Thirdly, a decree on the petition of one coming within either of the above two classes, with regard to the petitioner's right to be deemed a natural-born subject of her Majesty.

With regard to the machinery established by the Act for obtaining such declaratory decrees, an outline only can be attempted. The petition must be accompanied by an affidavit denying collusion (the subsequent proof of which, moreover, will make any sentence or decree to the prejudice of any person whatever inoperative); and the petition is, in all cases, to be served one month at the least before it is filed, upon the Attorney-General; who is made a kind of official respondent in all proceedings which may be instituted under the Act, though any other persons whom the Court may direct may also be cited and permitted to become parties. Indeed, the decree of the Court is not to prejudice any person who has *not* been so cited or made party, unless he be the heir or personal representative of, or derives title under, a party or cited person.

Finally, the Act under discussion (which is named "The Legitimacy Declaration Act, 1858,") is to be construed together with the 20 & 21 Vict. c. 85—the Act passed in 1857 to amend the law relating to divorce and matrimonial causes in England—and all the provisions of the Act last mentioned are extended to the Act under discussion so far as applicable. It may be remarked, however, that by another Act of the session just expired (viz. c. 108, which, as well as that one under discussion, received the Royal Assent on the 2nd of August in the present year), the 20 & 21 Vict. c. 85, is altered in a variety of particulars. It was obviously intended, that, with the Act under discussion, the Divorce Act of 1857, *as amended*, should be incorporated, but this has not, in terms, been done. At the time when the Act under discussion was finally settled, the fate of the Divorce Act Amendment Bill was probably still doubtful; but this difficulty should have been met by an incorporation into the Act under discussion of the Divorce Act of 1857, "and of any Act which may be passed for its amendment during the present session."

Cap. XCIV.—*An Act to amend the Copyhold Acts.*

The Act under discussion consists of fifty-two clauses; and these have been piled upon the mass of previously enacted provisions which the periodical efforts of those who would abolish copyhold tenure have collected since the year 1841—when the Copyhold Commission, with all its complicated and costly machinery, was established by the 4 & 5 Vict. c. 35. To explain therefore the manner in which the clauses of the Act under discussion dovetail into those contained in the Acts on the same subject which preceded it, would require a treatise on the law of copyholds of considerable volume; and that such an exposition should speedily issue is much to be desired, for the ease of those who practise in this branch of the law. All that can here be attempted is, to point out, for the benefit of our readers, the salient objects of the new statute, and the nature of the changes it introduces.

The "Copyhold Acts" will henceforward be the 4 & 5 Vict. c. 35, amended by 6 & 7 Vict. c. 23, 7 & 8 Vict. c. 55, 15 & 16 Vict. c. 51, and the Act under discussion—by which last the amending Act passed in 1853 (16 & 17 Vict. c. 57) is altogether repealed. And the objects to which they collectively apply themselves are, first, to give effect to agreements for commutation of manorial burthens and restrictions, and to improve in some other respects the tenure; and, secondly, to facilitate enfranchisement. Prior to the year 1852, this last could not be compelled at the instance of the tenant, but the statute of that year (the 15 & 16 Vict. c. 51) introduced, though partially, the principle of allowing either lord or tenant to require and compel enfranchisement—the consideration payable to the lord in that behalf being fixed by valuers acting under the direction of the copyhold commissioners. To extend the operation of this compulsory enfranchisement is one of the chief objects (or, at all events, one of the most generally important results) of the Act under discussion. By the Act of 1852, such compulsory enfranchisement was only authorised (with regard to any particular lands) upon the occasion of a fresh admittance of a copyhold tenant taking place *after* the 1st of July, 1853. One object of this limitation was to insure that compulsory transmutation of copyhold into freehold tenure should be only gradually effected; but the experience of a few years has shown that no inconvenience is likely to ensue from this restriction being removed. Accordingly, by the Act under discussion (s. 6) enfranchisement may be now required and compelled either by lord or tenant of any copyhold land, although the last admittance shall have taken place to the land in question *before* the 1st of July, 1853—provided (in case the enfranchisement be at the instance of the tenant) there be first paid to the lord the fine, and to the steward two-thirds of the fees, which would have been payable had there been an admittance or death *subsequent* to that date. A similar limited power, contained in the Act of 1852, with regard to the compulsory enfranchisement of *customary freeholds*, and the extinguishment of *heriot* claims, has been in like manner extended by the Act under discussion.

Another object of the Act is to alter the manner of enfranchisement itself. By the Act of 1852 the valuers were to make an award determining the amount of compensation, and this, after being confirmed by the commissioners, was to be registered at their office. But besides this award, the Act required the enfranchisement itself to be *by deed*, which the lord was required to execute after it was approved by the commissioners. The necessity for any such deed (which answered no purpose, except to swell the expense of the transaction) has now been altogether done away with by the 10th section of the Act under discussion; which substitutes an *award of enfranchisement* (framed by the commissioners), both for the valuers' award and the deed of enfranchisement formerly in use.

Again, under the previous Acts rent-charges issuing out of the land enfranchised, intended to vary with the price of corn, were directed to be calculated (see 4 & 5 Vict. c. 35, ss. 14, 36) in a certain manner, pointed out therein. But, by the 11th section of the Act under discussion any rent-charge of that description hereinafter imposed is "to be calculated upon the same averages, and variable in the same manner, as a tithe-commutation rent-charge"—*i. e.* on the averages, and in the manner, pointed out by the 6 & 7 Will. 4, c. 71, ss. 56, 57, 67.

Moreover, by ss. 21—27 of the Act under discussion the powers of the commissioners with respect to making *charges* upon the land with which they deal in the way of commutation or enfranchisement, are further defined and extended. "Certificates" of charge (a species of debenture transferable by indorsement, so as to form a negotiable security in respect of sums of money specified therein) may now be issued by the commissioners wherever, by the Copyhold Acts, power is given,

or an obligation attaches, to any person to pay money as consideration or compensation for commutation or enfranchisement (s. 21).

Finally, it may be remarked that many of the later clauses of the Act refer to the enfranchisement of *Crown* manors only. These sections, therefore (viz. ss. 41—50 inclusive) are of somewhat less general interest than the other portions of the statute; and seem not to require further notice in this general account of its provisions.

Correspondence.

DUBLIN.—(*From our own Correspondent.*)

The long vacation is drawing to a close without witnessing any change on the judicial bench, or among the law officers of the Crown, although the retirement of two of the judges, both octogenarians, was confidently expected. There can be no doubt but that negotiations have been going on with regard to one of these dignitaries of the law; but the terms asked by him as the price of retirement—terms of which a peerage forms but one item—appear to be considered excessive. Consequently, there is every probability of his resuming his seat on the bench on the first day of term.

The only recent legal appointments have been those of two chairmen of counties (or county court judges) in the place of Messrs. Gibson and Plunkett, who have retired, pursuant to the superannuation clause of the "Civil Bills Amendment Act" of the late session. The chairmanship of Meath has been conferred on Mr. E. Molyneux, Q.C., of the North-East Circuit, and Professor of Law in Queen's College, Belfast. That of Antrim has devolved upon Mr. J. H. Otway, Q.C. Both these learned gentlemen are of long standing at the bar, and obtained the rank of Queen's Counsel in 1852. The promotion of Mr. Molyneux will vacate the Law Professorship in Queen's College, Belfast.

The profession, and more particularly the solicitors, are looking anxiously for a code of general rules, regulating the practice of the new Landed Estates Court, and which are (according to s. 30 of the Act) to be prepared on or before the 1st of November, the day when the Act is to come into operation. It is generally understood that the judges of the new court have been engaged during the recess in framing a body of rules, to the number of 130 or upwards, partly incorporating the rules of the expiring Incumbered Estates Court, with such alterations as experience may dictate, or as the altered position and enlarged powers of the tribunal may render necessary. These rules will probably receive the Chancellor's assent next week, and will then be promulgated; and on them the future success of the system will, to a very great degree, depend. As soon as this code of rules is published we shall be able to furnish a sketch of the course of practice to be followed in the Landed Estates Court.

The Registration of Title Report.

A paper lately read by Mr. James M'Donnell, Barrister-at-law, before the Dublin Statistical Society, and now printed in the journal of that society, ably and fairly, though unfavourably, criticises the report of the Registration of Title Commissioners. The subject is one of such interest to lawyers, and it is so desirable that both sides of the question should be fairly considered, that we are induced to present some extracts, stating, in his own words, some of the objections which Mr. M'Donnell brings against the registration of title scheme, and also indicating a plan which is, in his opinion, the preferable one.

I shall now endeavour to show that this system, if carried out, will give a Parliamentary title to purchasers, without giving any adequate protection to persons having prior interests in the estate, and without regard to some of the most important means at present used to prevent such a title being improperly conferred.

It is stated at clause 10 of Mr. Lowe's summary, that the registered owner shall have absolute power to convey, if all caveats be withdrawn. If, therefore, by fraud, ignorance, or error, the caveats are withdrawn, the owner can convey an indefeasible title, and the caveator is left without remedy, so far as the land is concerned, and is in exactly the position in which A. would be, if (as some persons suppose happens) his estate were sold by the Commissioners for Sale of Incumbered Estates in Ireland to pay the debts of B. He might pursue the money if he could, but his remedy against the land is gone. But in case of the sale in the Incumbered Estates Court, A. has at least this security, that the judge, who is supposed wrongfully to convey his estate, has the fullest power to investigate the title, and ascertain the rights of all parties to the land before he conveys it; his character is at stake, and he is therefore likely to exercise all the vigilance he can. Again, the whole transaction is very public; numerous advertisements are published in the papers, naming both the lands and the alleged owner, and calling on all persons claiming the estate, or any interest in it, to state what their rights are, and notices of the intended sale are served on the occupying tenants, so that even if the judge improperly approves of the title, A. has a very good chance of hearing of the matter, in which case he can himself defend his own title; and, finally, the Parliamentary title which we are now considering is almost always granted to a stranger, who immediately goes on the land, and commences exercising rights of ownership; so that if A. has any intercourse or connection with the lands whatever, he can hardly fail to hear that some one else is dealing with his property, and this gives him a second opportunity of coming forward and claiming either the land or the purchase-money. The case of the caveator is quite different. The registrar's duties are strictly ministerial; he has no judicial authority; all that he can look to is, that the official forms are complied with, and, after a short time, from deaths and other causes, he will find it very dangerous to remove caveats without an order from some judicial tribunal. Caveators will thus have either a very inadequate or a very expensive protection; then the registrar will not feel the same responsibility as the judge; he has no power to institute any inquiries, and certainly any error will not affect his character, as it would if he were invested with greater power and greater responsibility. There will be hardly any security from publicity, for the transfer may, and generally will, be quite secret; and, finally, there will be quite as many (if not more) cases in which there will be no change of ownership visible to persons on the land, as of cases where there will be such change, for transfers will be made on the registry on such occasions as marriages, deaths, &c., without any change of possession whatever. It thus seems that the present proposal is to confer a Parliamentary title on purchasers, without the three principal safeguards against error or fraud which have hitherto existed, viz. judicial investigation of the title, publicity, and change of possession.

In the foregoing observations I have considered only the case of persons who are protected by caveats; but the same arguments will equally apply, if the protection is afforded by transferring the ownership into the names of trustees.

If the trustees are either fraudulent or ignorant they may ruin their cestui qui trusts, by transferring the property on the registry. If they are honest, and well informed as to their duty and responsibility, they will probably refuse to transfer without the direction of a court of competent jurisdiction, and thus put their cestui qui trusts to the expense and delay of a Chancery suit. I know it may be urged against what I have said, that these trustees can do no more with the land than they could do with stock, or other personal estate, not being chattels real. This is quite true; but I think the trusts of real estate require to be better guarded than those of chattels, for they are, partly by custom and partly by the nature of such property, more onerous and intricate, continuing for longer periods, and therefore more likely to be misunderstood or badly executed.

The ordinary trusts of a marriage settlement of personal property (stock, for instance) are for the husband for life; then for the wife for life; then for the children of the marriage in certain proportions absolutely. There is seldom much delay in winding up the trusts of such a settlement, after the fund becomes divisible among the children, as it is a property easily divided or sold, and the produce distributed as may be right. None of the family have any wish to preserve it entire, and it is rarely subject to incumbrances, for this, among other reasons, that persons do not like to advance money on the security of a property which they cannot follow in the hands of a purchaser.

The trusts of a marriage settlement of land are generally for the husband for life, and then for the first and other sons in tail, subject to a jointure for the wife and portions for the younger children. The trusts of this settlement are by no means likely to terminate on the death of the husband and wife. The family may have associations connected with the property, and be unwilling to sell it. The importance of the eldest son would be diminished by a sale of part of his estate, and his influence and that of his family lessened thereby, or at least they think so, and accordingly no part of the estate is sold, nor the younger children paid their portions, but only the interest of them; and if one of the younger children wants his money, the estate, or a part of it, is not sold to pay him, but his charge is assigned to some one else. The portion of another is settled on his marriage, that of a third mortgaged to his creditor, and when at length a sale is desired, the title is in a very complicated state. Under these circumstances the trustees are required to transfer the estate on the registry. No trustees, however, who are both solvent and sane, will be induced to do so without the protection of the Court of Chancery, for in no other way could they hope to escape litigation and responsibility of the most dangerous kind. I have chosen the simplest cases to illustrate what I mean; it is, however, quite obvious that the complications might, and probably would, be much greater than I have mentioned; for the estate may be subject to caveats, and registered in the names of trustees at the same time, one class of interests being protected by the caveats, and another by the trustees, who would also be affected by notice of any equitable dealings with the estate of which they were informed. To be a trustee now is bad enough; then it would be intolerable—so much so, that in a short time the Court of Chancery would have to execute all trusts of real estate.

Serious objections in principle may be made to the proposal at clause 8 of Mr. Lowe's Summary, to admit mortgages and leases to the register, and exclude all other derivative interests. Mr. Headlam, himself one of the commissioners, in his memorandum on the report, p. 51, makes the following very just remarks:—

"The report does not recommend one simple registration of land for the purposes of transfer, leaving all persons having subordinate estates in the same position to be protected by powers and facilities for preventing a transfer prejudicial to their interests, but it proceeds to make a distinction between mortgagees and leaseholders on the one hand, and the owners of different partial estates on the other hand, and endeavours to confer on the former the benefits of a registration of their titles distinct and separate in kind from the privileges of the latter class. This distinction seems to me to be totally untenable in principle. Even supposing the two classes could be accurately and intelligibly defined—which I very much doubt—there is no reason why the one class should be put in a materially different position from the other. If it is possible that there can be one registration of a piece of land for the purpose of transfer, another registration of the same piece of land by a first mortgagee, a third registration of the same piece of land by a second mortgagee, a fourth to a leaseholder, and that the benefits to a purchaser of registration can, with respect to this piece of land, still continue, then it seems clear that the same facilities of registration should be given to persons having charges upon land by will, to tenants for life, to claimants for executory devise, and to all other owners of partial or limited interests. If no security can be found in the plan, by restraint upon transfers sufficient to protect the interests of leaseholders and mortgagees, then it would appear that the plan is defective, in not providing adequate security for many other claimants, quite as much entitled to consideration as leaseholders and mortgagees."

An important practical difficulty in the working of this system will arise with respect to caveats, which will, I think, be found a very objectionable mode of charging lands, for they will be notice of rights, without giving any information as to the nature of such rights, which must generally be known before the caveats can be removed. A. places a caveat on the title of B. and dies, having lost or mislaid the papers disclosing the object of the caveat. His representative will be applied to in vain to remove it, for before doing so he will require to know that he is acting properly. A case very analogous to this sometimes occurs in examining Irish titles. A blind memorial (as it is called) turns up on the registry search, which states that the land, the subject of inquiry, was conveyed upon certain trusts mentioned in the original deed (which is not now forthcoming), but not set forth on the memorial. There is no worse blot on a title, for you have distinct notice of the existence of a deed, and no means of ascertaining its contents. The caveat system would render defects of this kind very numerous. I think it would soon be found to be the worst description of a registry of assurances.

Mr. M'Donnell is not, however, opposed to a registry of deeds, provided that such a registry is in connexion with, and under the control of, a court capable of conferring a "Parliamentary title." In reply to the objection (urged particularly by Lord St. Leonards), that the privacy of family transactions would be violated by the registration of deeds, Mr. M'Donnell remarks:—

If publicity is an objection at all, remove it by not allowing an inspection of the registry without proper authority. Publicity of transfer has, however, always been considered an advantage in place of the reverse, as witness the levying of seisin on a fiefment, the enrolment of bargains and sales, and proclamations on levying prices, and the various modes of transfer by secret assurances which have from time to time sprung up and prevailed, were frauds, so to speak, on the laws of England, as will abundantly appear to any one who will read the preamble to the Statutes of Uses, and the Acts for the enrolment of bargains and sales.

Wills are registered in extenso, and may be examined by any one who will be at the trouble of doing so; and I believe it is found that this trouble, and the small fee charged by the office (2s. 6d. I think) quite excludes the gossiping public, who generally prefer to draw on their imagination for their facts. If, however, any person, a creditor or purchaser for example, is really interested in the contents of a document, it seems very reasonable that he should have access to it. It is obviously inconvenient and unjust that I should be obliged to disclose my title to any inquisitive person who may demand to see it; but it is not a just reason for objecting to a registry of assurances that I may be thereby obliged to disclose the disagreeable fact, that I am unjustly or illegally possessed of another man's property. I am opposing a public good in order that I may be enabled to commit a private wrong. It is surely contrary to equity and good conscience that I, holding another's estate merely because he is ignorant of his rights, should demand that no law should be made, however advantageous in other respects, which might possibly deprive me of this unjust privilege, for I cannot call it a right. Yet the objection to a registry, on the ground of publicity, resolves itself into this.

* * * *

Such a registry, and a court capable of conferring a Parliamentary title, would work well together; each would render the other more effectual and useful. A negative search in the registry would disclose all acts affecting land, and render it less dangerous than at present to grant a Parliamentary title, and the Parliamentary conveyance, when such was obtained, would clear the registry and render searches prior to its date unnecessary in future transactions. It would in this manner be possible to confer on proper occasions a Parliamentary title, applying proper checks against error and fraud; but it would not be necessary to confer such a title on every dealing with an estate. The advantages of the Parliamentary title would thus be secured with the minimum of risk. If such a title be granted on every transfer of an estate, the risk of defeating latent rights is increased to an unnecessary extent; for it is obvious that for a considerable period after a Parliamentary conveyance has been given, the title will be so clear that a purchaser will readily treat for the property out of court, and persons will certainly do so on all such occasions, as those of marriages or family settlements. The registration of title system would, on the contrary, increase this risk to a maximum; for every transfer of an estate on the registry would be of necessity indefeasible, and therefore, on every such occasion, any latent rights might be destroyed.

* * * * *

While such complicated and various rights and interests in real estate as now exist are permitted to last, it does not seem possible to unite perfect protection to all parties with perfect simplicity or extreme facility of transfer. The present system sacrifices the purchaser and impedes transfers to an unreasonable extent. That proposed by this report would protect the purchaser at the expense of all other persons, and would shake public confidence in the security of settlements and other derivative interests. I propose a middle course, which would give reasonable security to all parties, and would greatly simplify and facilitate sales, but would not, I admit, make a sale of land as simple as a sale of stock, which is not in my opinion practicable under existing circumstances.

Professional Intelligence.

MICHAELMAS TERM EXAMINATION.

The examiners appointed for the examination of persons applying to be admitted attorneys have fixed Tuesday, November 16, at the hall of the Incorporated Law Society, in Chancery-lane. The examination will commence at ten o'clock precisely.

The articles of clerkship and assignment, if any, with answers to the questions as to due service, according to the regulations approved by the judges, must be left with the secretary on or before Tuesday, November 9.

Where the articles have not expired, but will expire during the term, the candidate may be examined conditionally; but the articles must be left within the first seven days of term, and answers up to that time. If part of the term has been served with a barrister, special pleader, or London agent, answers to the questions must be obtained from them, as to the time served with each respectively.

A paper will be delivered to each candidate, containing questions to be answered in writing, classed under the several heads of—1. Preliminary. 2. Common and Statute Law, and Practice of the Courts. 3. Conveyancing. 4. Equity, and Practice of the Courts. 5. Bankruptcy, and Practice of the Courts. 6. Criminal Law, and proceedings before Justices of the Peace.

Each candidate is required to answer all the preliminary questions (No. 1); and also to answer in three of the other heads of inquiry, viz.—Common Law, Conveyancing, and Equity.

The examiners will continue the practice of proposing questions in Bankruptcy and in Criminal Law and Proceedings before Justices of the Peace, in order that candidates who have given their attention to these subjects may have the advantage of answering such questions, and having the correctness of their answers in those departments taken into consideration in summing up the merit of their general examination.

Under the rules of Hilary Term, 1853, it is provided that every person who shall have given notices of examination and admission, and "who shall not have attended to be examined, or not have passed the examination, or not have been admitted, may, within one week after the end of the term for which such notices were given, renew the notices for examination or admission for the then next ensuing term, and so from time to time as he shall think proper;" but shall not be admitted until the last day of the term, unless otherwise ordered.

In case the testimonials were deposited in a former term, they should be re-entered, and the answers completed to the time appointed.

Metropolitan and Provincial Law Association.

The following paper, "On some Difficulties in the Law of Property which may be removed," was read by Mr. James Livett, of Bristol, at the meeting held in that city on the 5th instant:—

"The object of the following paper is to bring forward, in a brief and practical way, certain matters connected with the law of property, in which it is thought there are unnecessary difficulties.

"I have no intention of entering on the question of registration (which has justly been so largely discussed), or on that of a continuance of the distinction of legal and equitable estates; but merely to notice, without systematic arrangement, some detached evils which the practitioner finds, and which may be remedied even while the law remains, in larger matters, in its present state.

"Systems long established sometimes call for a change of general principles rather than of mere details. But if new principles are either not needed, or, however needful, cannot be agreed on, it is a worthy object to seek for the amendment of details alone.

"If the larger change of registration of deeds or of titles should be enacted, it would no doubt extinguish many details now calling for consideration; but this trenchant change is perhaps still distant, and if made, it would leave many matters concerning real property, and more concerning personal property, unaffected (though greatly needing amendment, and capable of it); therefore the humbler kind of reform must not be neglected.

"An attempt at detailed improvements was found in a Bill introduced in the House of Lords in the last session of Parliament. It applied to several unconnected particulars of the law of real property.

"It failed in the Commons, but will probably be again proposed. I will refer to most of its particulars, and then add some others which the Bill did not profess to embrace, believing that they will generally be considered worthy of attention and of legislative interference.

"1. It is known that, by an old technical doctrine, which has come down to us from Elizabeth's time, there cannot be a partial dispensation from a condition; but, though such a dispensation may be limited in terms, it operates generally, and the qualification is void. A dispensation from one breach of a condition dispenses with all the condition (*Dumper's case*, 4 Co. Rep.) Consequently, in the case of an ordinary lease for years, which restrains the lessee from underletting or assigning with-

out consent of the lessor, a consent cannot be given to underlet to a particular person only, or to underlet or assign with any restriction; but a relaxation of the condition, however expressed, operates as a complete dispensation, and afterwards the lessee or his assignee is totally unrestrained. The same doctrine applies to any other condition, whether for securing the performance of covenants or other purpose. This makes a deed of defeazance necessary on every partial dispensation, to keep alive the original condition or any repetition of it, a thing of unnecessary trouble and expense, especially when applying to the familiar case of an underlease. Lord St. Leonards' Bill provided the simple remedy, that a condition in a lease might be dispensed with on such terms as the parties prescribed. The provision, however, was deficient in one very material part. It applied to conditions in leases for years, but not to those in grants in fee, save that it gave a power to release part of lands from a rent-charge, without discharging the other part of the lands; so that, in the case of fee-farm rents or rents-charge, there would be no means of altering the terms, except as above, without releasing the condition altogether, which would therefore need to be revived and restated. This deficiency particularly applies to Bristol, where almost all the property is held in fee, but subject to fee-farm rents or perpetual rents-charge. The Bill would, no doubt, be amended on a re-presentation.

"2. The Bill before mentioned was intended to remedy another inconvenient technicality. Leaseholds or personal property cannot at present be legally transferred by deed from a person to himself and others, or from several to one of themselves; such a power is constantly required in a change of trustees, or transfer by trustees to a beneficiary one of themselves. And whether it be leasehold estate or railway shares, or other personal estate, an intermediate transfer to a third person is necessary, a thing not very creditable to a practical and commercial people.

"3. It was also proposed to be enacted, that whenever trustees were empowered to do an act, their receipts for money payable to them on the occasion should be an effectual discharge.

"4. That a register of a judgment should not of itself bind land; but there must be actual notice to charge it in the hands of a purchaser.

"5. And that succession duty should not be a charge on land.

"6. That a use should not fail because the seisin was not conveyed for an estate commensurate with the use.

"7. And it was to be enacted, that the doctrine of a scintilla juris was to vanish into air, thinner if possible than had been its nature; so that where powers of sale were accompanied by a power of appointing new trustees, and the donees of the power were to vest the estate in the new trustees, one conveyance should absolutely be enough, instead of an appointment being first made to a stranger, and then a grant from such stranger to the new trustees. It was thus to be made law that this most weighty and difficult purpose of giving the desired seisin, and extinguishing the scintilla juris, should be accomplished without two elaborate deeds.

"This inexplicable spark of right appears to be of a nature as impalpable but (as is thought by some) of a force as great, as electricity itself, and capable of giving a mortal shock to an honest title. It is not easy to conceive the emotions of an intelligent person not bred to the law, to whom it should be explained, that, in the views of some conveyancers, this strange abstraction may, for want of a circuitous and expensive process of transfer, leave a title practically bad.

"8. The following alteration also passed the select committee, viz. that where in a will money is given charged on real estate, which estate is given to trustees for partial interests, the land may be sold or mortgaged by the trustees without resorting to a court of equity, which at present they would be obliged to do.

"These are the principal particulars of a Bill which had the approval of so high an authority as a select committee of the House of Lords. It is hoped that it may be again introduced, and not fail or be delayed. But there are many other particulars in which the transfer of land and arrangements of personal estates may be simplified.

"9. It is well known that there is frequently trouble and expense where the heir of a mortgagee in fee, who has died without devising trust estates, is an infant, or otherwise incapacitated. A very simple remedy would be, to give the personal representative of a deceased mortgagee the power not only to discharge the money, which he must do, but also to vest the estate (which is only the accessory); such power was given by an Act 7 & 8 Vict. c. 76, which gave the personal representative power to transfer the estate, and contained several other regulations respecting property, but which Act was repealed in the next session by 8 & 9 Vict. c. 106, the only clauses revived being the very beneficial provisions respecting contingent remainders.

"There would be great convenience in being able to dispense with the concurrence of the heir or devisee of a mortgagee in fee. It is true that the Court can be applied to in case of absence or disability, but the expense is £50 or £60. I know it is said, that there would be inconvenience in the heir, and also the executor, having power to convey the estate. But this is hardly the time for merely technical objections of this kind. Our legal system would not be seriously threatened by such an alteration. It is not a house of cards, to fall on the removal of the smallest piece, but (it is to be hoped) a plant which has a living root in our social institutions, and will bear the removal of a diseased branch. Besides which, the estate might be made to vest without an express transfer. There are precedents in principle for such a change. For instance, the Act of 8 & 9 Vict. c. 112, for abolishing assignments of terms, said, that where a term of years became expressly or by construction attendant on the inheritance, it should cease, though there was the singular qualification that it should still be held to protect the inheritance from charges, as if the spirit of the departed term was still to wait and watch over the object of its wonted care.

"Again, by Sir Morton Peto's Act, 13 & 14 Vict. c. 28, property held by trustees for chapels and schools may be vested in new trustees, by a resolution of a meeting of the congregation, evidenced by a memorandum under the seal of the chairman. And by the Building Societies Acts, the legal estate in fee in mortgaged property is revested in the mortgagor by the receipt of the trustees indorsed on the mortgage. Might there not, then, be an enactment, that, upon the discharge of any mortgage, evidenced in some mode of sufficient solemnity to be prescribed, such estate as was possessed by the person receiving the money, or as he could direct to be conveyed, should be held to have become vested in the person by or for whom the money was expressed to be paid.

"10. Another impediment, of frequent occurrence, regarding devises in trust might be removed.

"At present, if a man be named a trustee of real estate and never act, and die without executing a disclaimer, his heir or devisee of trust estate cannot disclaim (*King* v. *Phillips*, 22 L. J., Ch., 422). He must, therefore, act and take upon him the general trusteeship of the will, or application must be made to the Court. The heir or devisee might surely be permitted to disclaim, as his predecessor could have done.

"11. Again, if A. be appointed trustee under B.'s will, he may be willing to act; but he finds that B. has been sole trustee under other wills and settlements. A. cannot accept the trusts of B.'s own will without the other trusts. Is there any sufficient reason why he should not be able to do so? or why, if there were need, he might not accept the others, which might be bare legal estates, and disclaim A.'s will? Such liberty would often render unnecessary an application to the Court, which is always costly, though less so than formerly.

"12. Every solicitor has felt the inconvenience of personal representatives administering an estate, and remaining under a liability for debts, which may appear either within six years, or, if a specialty, within twenty years.

"I know it is answered that he may avoid the personal liability by administering through the Court; an answer easily made by those who confer with law books only, and not with men. But those who have a real, that is, an individual, acquaintance with such matters, know that it is consistent in a very small degree with the exigencies of men's affairs in general, or with human feeling; for administering an estate in Chancery is always expensive, and in small cases ruinous. Might it not be enacted that executors or administrators may be allowed to take the same precautions in regard to debts that the Court takes now, viz. by advertising; and that, after peremptory advertisement for a given time in given newspapers, creditors who do not come in shall be excluded. There would be the same security to the creditors which the Court now gives, and safety to the representatives.*

* On the reading of this paper, Mr. Torr stated, that the object is in part accomplished by the 13 & 14 Vict. c. 35, ss. 19 to 25, which give power to executors to apply by petition or motion summarily to the Court, which will advertise for debts, and after payment of such as appear the executors are free. This is no doubt a relief. Mr. Torr added, he had known a case in which the whole cost of such a proceeding was but fifteen guineas. The writer supposes that this must have been a very small and

"13. A larger power than is now possessed is required by executors and administrators to apply the income of minors' property for their benefit. When there is not an express authority to apply it, an application to the Court is necessary, however urgent the need, and however small the property.

"It would be natural that personal representatives be trusted with the application of the income of minors' property for them, unless it be forbidden. At all events, might there not be this provision when there is no father living? Also, in cases where the usual direction for maintenance is given, and a father is living, executors are found to hesitate, unless there be another direction that it shall not be necessary to inquire into the power of the father to support his child. The executor may earnestly desire to apply the income, and may feel certain that the father is unable, but because he is not sure of hereafter possessing the evidence of the father's inability, he must refuse to apply the income without the intervention of the Court of Chancery. Surely if the testator have said that the executors shall have power to apply the income, they should have the power. If the donor had wished a proviso for the father's ability, he might have expressed it.

"14. I suggest, perhaps with more of hesitation than attends the previous proposals, whether there might not be a power to mortgagees to sell the mortgaged property after default, and after six or twelve months notice in writing to the mortgagor, he being in England and adult, even where there is no express power of sale in the mortgage deed. It is not an unreasonable power, as is shown by the general use of such powers in mortgages. It would often save suits, and it would render unnecessary the clauses which make up a considerable part of a mortgage deed. As to the latter benefit, it may be said that this increase of expense is not great. But it is to be remembered that unnecessary prolixity is not confined to the particular instrument. Long deeds make long copies, long abstracts, long recitals; so that the unnecessary detail is multiplied several times. If power of sale were given by law, and power to insure, the clauses in mortgages which make much of their length would be unnecessary. Of course if it were the intention of the parties that such powers should not exist, they might be negatived in the mortgage.

"The subject of professional remuneration is connected with such, and with most proposed changes in law. It is not entered upon now, because it is a distinct topic, which has been discussed at a previous meeting. All persons, however, are agreed that length of deeds is not the right principle of remuneration.

"I have brought forward a few things, in most of which it is clear, and in others it seems that remedies for practical evils might be most easily given.

"The time for costly fictions and conventionalities is gone by. It is not good for the client, nor is it well for the practitioner, to have to do with unrealities. Formerly, we could not in practice avoid suffering recoveries, levying fines, making leases for a year, and assignments of terms, they being necessary by the then state of the law. But an honest mind feels it will be relieved from these things, which *essentially* were so unreal, but far too real as occasions of great expense, as traps and snares in practice, and the occasion of numberless defects of title.

"These topics suggest to us that it is not a happy circumstance of legal studies and practice that they are, in large measure, conventional; while the natural sciences are concerned with what is above man's contrivance, and every addition to knowledge is an everlasting possession, *we* are obliged to study human institutions, which, though they are often derived from the nature of man, and so far are unalterable, yet are often the result of accident, of passion, or of ignorance, or are made for a state of things which has passed away and left only a form. A life of laborious study may thus be rendered vain by an Act of Parliament.

"How much learning was there respecting common recoveries, which a page or two of the statute book has swept away with infinite advantage. The great work of Fearne was almost as severe a discipline of the mind as a course of mathematics; yet the doctrine was conventional, and much of it has been abrogated by an Act of Parliament, which has supplanted what was complicated, unreal, and costly, by what is more simple and practical.

"Such is the character of the change which the administration of the law must suffer; while the ultimate principles of municipal law must be found in man's nature, and in the history, feelings, and wants of the particular community, and scarcely any wisdom and experience can be great enough to settle the fundamental laws of a people and estimate their lasting tendencies, yet the *administration* of the law for every day use, and the transfer of property from hand to hand, should be, so far as possible, free from mystery, darkness, and fiction. It is of social and moral benefit to have such things marked by common sense and clearness.

"It will be an end worthy of these meetings to draw attention to evils that we experience, in order that they may be remedied, as well as to endeavour to remove what may be imperfect in the practice of the profession among ourselves.

"The law is not, as Lord Bacon says of knowledge in general, 'a fort or commanding ground for strife and contention, or a shop for profit and sale;' but 'a rich store-house for the glory of the Creator and the relief of man's estate.' And it may be well desired that the *practice* of the law may have a character not inconsistent with the high nature of the law itself."

simple case; for an application, advertisements, accounts, report, &c., would surely, in general, cost many times this amount.

It has been suggested that the proposed measure might too summarily shut out creditors residing abroad. It would do so no more than the process of the Courts, save in this one way, viz. that the Court would probably require an affidavit of the executor of the debts. In this respect the writer allows that there would be an additional security from the interference of the Court; and without it, it might be necessary to except debts due to persons living abroad, unless advertisements were published in their neighbourhood.

Review.

Chancery Procedure—General Orders. A Paper by Mr. T. KENNEDY, Solicitor, London. Read at the Meeting of the Metropolitan and Provincial Law Association, held at Bristol, 5th October, 1858.

Mr. Kennedy is well known in the profession as a high authority upon all matters connected with the Court of Chancery, and if the authorities desire to avail themselves of the best practical experience in framing amendments of procedure they cannot do better than consult the author of the carefully digested paper which appeared in our columns of last week. We shall endeavour to present in a brief compass the leading topics insisted on by Mr. Kennedy, so that if a disposition exists to make the Court all that it might and ought to be, no difficulty may occur in ascertaining where reform is needed.

In the first place, Mr. Kennedy attacks that most unfortunate arrangement by which a valuable monopoly was secured to the six conveyancing counsel of the Court. This is an admitted blot upon the improved system of procedure introduced by the Acts and Orders of 1852. It is wonderful that sincere reformers, as we believe the authors of those measures to have been, should have allowed themselves to institute an abuse as flagrant as any of those which they at the very same time abolished. Amid all the clamour raised at the costliness of the Court of Chancery, provision has been deliberately made for inflicting upon the suitor a new and grievous tax. In Mr. Kennedy's words, "the expense of sales made under the direction of the Court is now much increased by the necessity of submitting the abstracts and conditions of sale to the counsel of the Court." All matters, light and heavy, are alike referred to them. The simplest title to the smallest farm must undergo investigation by one of the most erudite conveyancers at the bar, and, of course, his fees must be on a scale suitable to his reputation. The amount, too, is named by himself or his clerk, and the solicitor who ventures to question its propriety will find reason to regret that he had not paid away his client's money without murmuring. An ordinary marriage settlement, one of the easiest tasks that can exercise a conveyancer's pupil, must, if the intended wife happen to be a ward of Court, be solemnly perused and sanctioned by the constituted authority, at a cost something like four times as great as need be incurred for an opinion perfectly satisfactory to all concerned. It is almost incredible that, in a Bill of the late Lord Chancellor, by which he would have given to his Court some of the powers of the Irish Landed Estates Court, it was proposed to confer upon the six conveyancing counsel exclusive privileges over all the numerous transactions which would thus have been brought before the Court. It is possible that the present Government may produce some scheme for establishing a Landed Estates Court in this country. We do not suppose that, if they do so, they will be inclined to encumber their Bill with a clause for the exclusive benefit of a few eminent conveyancers; but seeing that the legislators of 1852 were professed reformers, it is well that Mr. Kennedy has so thoroughly exposed the gross job or blunder perpetrated at that time. We should not of course complain of these gentlemen for putting their own price upon their services, if the

suitor had the option whether to employ them or to choose less eminent and expensive counsel. Nor do we find fault because lawyers of profound learning and ripe experience sometimes receive large fees for preparing what are to them merely mechanical tasks. Able counsel generally wait long enough before attaining a position to fix their own emoluments. All that we contend for is, that there should be perfect freedom on both sides. Let the solicitor be trusted to select the conveyancing counsel in each case, and he will take care to employ competent skill, and at the same time to save his client's purse. This was the practice before the reforms of 1852, and it is one of the few particulars in which the old system of the Masters Office was preferable to the modern substitute. We would venture to urge upon the Lord Chancellor that the character of his Court requires either that this monopoly should be abolished, or that the conveyancing counsel should become regular officers of the Court, and be remunerated by fixed salaries.

The question, how the business of the Court is to carried on by the existing staff of judges, becomes every year more serious. We do not know whether it has occupied the attention of Lord Chelmsford during the present vacation, but the accession of business likely to be caused by the Procedure Amendment Act of last session ought not to be overlooked, as it promises soon to aggravate a long-standing evil beyond endurance. The true and only remedy has been often pointed out by the Association to which Mr. Kennedy's paper was addressed; and he does not omit to enforce the opinion of all experienced practitioners, that more judges are absolutely necessary, as the only means of preventing intolerable delays. Justice will never be fully done to the authors of the reforms of 1852 until the judges have sufficient leisure to attend personally to the business in their chambers. At present, they can only sit there after three or four o'clock, when they are wearied with a day's work in court, and when the solicitors who ought to appear before them are engaged at their own offices in writing letters to their country clients. If the Government really desires to make the Court of Chancery efficient, a proposal for increasing the number of its judges ought to be submitted to Parliament in the next session. The House of Commons should be simply asked, whether it desires the Act of this year, for enabling the Court to assess damages and try questions of fact, to produce its full effect or not. Judges already overworked will certainly show no willingness to assume additional duties, and unless they are favourably inclined toward the Solicitor-General's experiment, it will have a slender prospect of success. It may probably be no easy task to reconcile the demand for additional judges with the explanation which will be called for in Parliament of the recent conduct of Vice-Chancellor Stuart. And the narrow economists who lately sought to reduce the strength of the Common Law Courts will recover from the blow dealt them by the report of the Commission upon their scheme, and will vehemently oppose any plan for giving efficiency to the Court of Chancery. Yet we have heard of no new facts to prove that judges can be spared at common law; and the protracted summer assizes at Liverpool and Bristol seem to support the opposite conclusion. If, however, the equity judges under the powers of the new Act should begin to annex the domain of the common lawyers, and if neither Mr. Atherton nor any other champion should successfully attempt reprisals—then, indeed, the time may come for reducing the strength of the Courts at Westminster, in order to recruit those of Lincoln's-inn. But, whatever should appear ultimately to be the best arrangement, let not the present hopes of improving the Court of Chancery be starved by unwise parsimony. As Mr. Kennedy says, "the expense of additional judges ought not to be a matter of consideration, if necessary for the interest of the suitor."

The difficulty and delay which constantly occur in drawing up the orders of the Court, is another grievance calling for immediate remedy. Mr. Kennedy recommends, that, after the judge has given his decision, a little time should be allowed to the registrar, before calling on the next case, to take a careful note of the substance of the order made. If the judge, instead of plunging instantly into a new question, would allow a very short delay for this purpose, he would avoid the loss of his own time in subsequent discussions upon minutes, which are both costly and troublesome to the parties. Even if the matter does not come before the Court, it involves many attendances and much vexatious controversy, before the registrar, and we will venture to say that not unfrequently neither the judge, the registrar, the counsel, nor the solicitors concerned, can tell, with any certainty, what was the intention of the Court at the moment of delivering judgment. And all this confusion and annoyance is created by the laudable, but exaggerated, anxiety of the judges to economise those hours for which the public pays. Possibly their zeal may be a little stimulated by the comparisons sometimes made between them as to the rate at which they get through business. But, from whatever cause this extreme activity proceeds, Mr. Kennedy has done well to point out that the greatest haste makes, not unfrequently, the worst speed.

It is only justice to admit that the procedure in the Taxing-masters' office is free from all imputation of undue precipitancy. The Lord Chancellor has done something, by appointing an additional taxing-master, to mitigate the delays which had become such a serious evil. But some alteration is also needed in the method of doing business in the taxing-office. The proceedings there are too deliberate and dignified, and the same solemn and tedious forms must be gone through, whether the bills for taxation amount to thousands or to scores of pounds. This is a part of the same rigid system which, in another branch of the Court, has required common-form deeds to receive the fiat of the draftsman of the Fines and Recoveries Act, or of the author of the most learned Treatise upon Wills. At common law there is less ceremony and much more despatch. A bill of £300 or £400 may be taxed on one day's notice, and the amount certified in three days; while in Chancery, the same result could only be reached in several weeks, or even months; and as the costs are usually a charge upon the fund in court, the suitor cannot touch his money until the taxation is complete. In this respect an important practical improvement might be at once effected, if the matter were not too insignificant to obtain the notice of the authorities. There are several other suggestions of the same character offered by Mr. Kennedy, which it would be tedious in this place to enter on; but it is only by attention to such points of detail that the Court of Chancery can be so improved as to dissipate the prejudices which cling to it; and those improvements are most likely to succeed which have been originated by practical sagacity.

The latter part of Mr. Kennedy's paper is devoted to urging the necessity which exists for a consolidation of the General Orders of the Court. It is understood that the Lord Chancellor has already commissioned two gentlemen of reputation at the bar to commence this important labour. But the nature of the work seems to require that officers of the Court, and also members of each class of its practitioners, should be associated for its due performance. If, however, the new code is to be originally framed by barristers alone, it ought to be submitted to the consideration of the whole profession, and carefully revised, after full time has been allowed for criticism. The useful book of practice lately produced by Mr. Braithwaite, of the Record and Writ Clerks' Office, shows that a valuable store of experience exists among the successors of the Clerks in Court, who, as is well known, were formerly the chief, if not the sole authorities upon all questions of procedure. The excellent edition of Seton's Decrees, by Mr. Leach, of the Registrar's Office, and Mr. Harrison, may also be referred to as indicating another quarter from which important suggestions might be derived. And again, the studies of Mr. Kennedy have now been steadily directed for the last sixteen years to this very subject of the codification of the General Orders, and it is only just towards him that the reputation he enjoys among those who are acquainted with his labours should be kept in view in seeking on every side for the most efficient aid in the formation of the proposed code. Mr. Kennedy has himself published what he calls a "Code of Chancery Practice," although that title is not properly applicable to his work in the stage which it had reached in the year 1852, which is the date of the last edition. It appears, however, that, on the abolition of the Six Clerks' Office, in 1842, Mr. Kennedy formed the design of collecting the legislative and judicial regulations and orders on which the practice of the Court was founded, and the decisions on them, in a portable form, and so arranged as to facilitate easy reference. On further consideration it seemed advisable to divide the projected work into two parts, of which the first should contain the Orders in chronological succession, and in a concise and convenient form, while the second part would give the same Orders together with the statutes, and the decisions upon matters of practice, classified according to what the author deemed to be their natural order. It will be seen that so long as the work of codification remained in private hands it could only be attempted in the method chosen by Mr. Kennedy. It was essential that the name and substance of every reported case should be added under the proper title to the extracts from statutes and orders upon which the practice on that head was founded. If, however, a code of procedure should now be

framed under the authority of the Court, it will not be necessary, supposing the work to be completely done, to preserve the memory of judicial decisions upon statutes and orders which the new code is intended to supersede. But the framers of the code must keep in view and thoroughly study all these decisions, so that the difficulties thereby elucidated may not again arise upon the construction and application of the new orders. It would therefore appear that the collection and arrangement of all reported practical decisions must be an essential preliminary to the commencement of the intended code, and the work of Mr. Kennedy, as well as various other efforts in the same direction, may be of great utility in facilitating the draftsman's labours. Mr. Kennedy's codification, properly so called, was intended, as we have seen, to form the second part of the work projected by him in 1842. The great changes of practice in 1845, 1850, and 1852, successively, postponed the completion of this part of his undertaking. Indeed, it had been obvious, throughout the ten years which followed the abolition of the Six Clerks' Office, that the practice of the Court was liable to continual change, and, finally, could only be said to be approximately reached on the promulgation of the Acts and Orders of 1852. In the following years experience has been acquired in the working of the system thus introduced, and, as Mr. Kennedy has shown us in his paper, many improvements may be still suggested. In the meantime, the language and effect of the Acts and Orders has undergone discussion in no less than twelve hundred reported cases. Thus the time has at length fully come, when all the conditions exist for a complete and satisfactory codification. Probably, the task would have been too great for any one practitioner to accomplish in the hours he could spare from business, and besides, as we have shown, the experiment was forbidden by perpetual transitions of the law. Still we must give Mr. Kennedy the credit he deserves for having formed his design, and for collecting, with a view to its fulfilment, a mass of materials which may now be available for the construction of an authoritative code.

Court Papers.

Exchequer of Pleas.

MICHAELMAS TERM, 1858.

SITTINGS IN BANCO.

Tuesday,	Nov. 2	.....	Motions.
Wednesday,	„ 3	.....	Errors.
Monday,	„ 8	.....	Special Paper.
Tuesday,	„ 9	.....	Lord Mayor sworn.
Wednesday,	„ 10	.....	Special Paper.
Friday,	„ 12	.....	Sheriffs nominated.
Saturday,	„ 13	.....	Criminal appeals.
Monday,	„ 15	.....	Special Paper.
Wednesday,	„ 17	.....	

ERRORS AND APPEALS FROM THE COURT OF EXCHEQUER.

FOR ARGUMENT.

Appeal.	M'Manus v. The Lancashire and Yorkshire Railway Company.
Error.	Holmes v. Kidd and Another.
Appeal.	Morris and Another v. The Rhydydefed Colliery Company, Glamorganshire, Limited.
Error.	Erichsen and Others v. Barkworth and Another.

SPECIAL PAPER.

FOR JUDGMENT.

Dem.	Myers and Others v. Baker and Another.
„	Dick v. Tolhausen.
Special case.	Hambro and Others v. The Official Manager of the Hull and London Fire Insurance Company.

FOR ARGUMENT.

Demr.	Brewer v. Dimmock and Another (standing for arrangement).
Dem.	The London and North Western Railway Company v. The Great Western Railway Company.
Special case.	Parker v. Ince.
„	Foster, P.O., &c., v. Colby.
Dem.	Lady Emily Foley v. Fletcher and Another.
Appeal.	Furber v. Sturney.
Dem.	Hill and Others v. Lawes.
„	Newson v. Smythies.
„	Collins v. Cave.
„	The Low Furness Iron and Steel Company (Limited) v. Campbell.
Appeal.	Birchall v. Schofield (by way of interpleader); Heald v. Birchall.
Dem.	Snodin v. Boyce.

NEW TRIAL PAPER.

Remanets from Trinity Term, 1858.

FOR JUDGMENT.

London.	Zipcy v. Hill.
Swansea.	Vaughan v. The Taff Vale Railway Company.

FOR ARGUMENT.

London.	Bovill v. Pimm and Another.
„	Wyborn v. The Great Northern Railway Company.
Middlesex.	Whitmore and Another, Assignees, &c., v. Thomas.
„	Levy v. Cassaigne.

Births, Marriages, and Deaths.

BIRTHS.

BARBER—On Oct. 16, at Stanley-house, Addison-road, Kensington, Mrs. George Henley Barber, of a son.

BROWN—On Oct. 19, at 48 Hertford-street, May-fair, the wife of Douglas Brown, Esq., Barrister-at-Law, of a son.

MADDOX—On Oct. 21, at Prospect-house, Kew-bridge, Middlesex, the wife of John Mortimer Maddox, Esq., of a son.

PROUDFOOT—On Oct. 15, at 24 John-street, Bedford-row, the wife of Mr. Proudfoot, Solicitor, of a son.

MARRIAGES.

ALEXANDER—COLE—On Oct. 19, at Trinity church, Westbourne-terrace, William Hastings Alexander, Esq., Registrar of her Majesty's Supreme Court at Hongkong, to Caroline Theophila, second daughter of John William Cole, Esq., H. P. 21st Fusiliers, of Randolph-road, Maida-hill.

DAY—PLATT—On Oct. 14, at St. George's, Hanover-square, by the Rev. Christopher Wordsworth, D.D., canon of Westminster, William Day, Esq., of Queen-street, May-fair, to Rosa Angelica, third daughter of Samuel Platt, Esq., of Hyde-park-gardens, and Belmont, Wimbledon-park.

GELLATLY—BROOKES—On Oct. 14, at Regent-square Church, by the Rev. Thomas Nolan, B.D., incumbent, Peter, eldest son of Peter Gellatly, Esq., of Limehouse, to Mary, only daughter of Joseph Brookes, Esq., of Holford-square, Pentonville.

GRAY—CHRISTMAS—On Oct. 7, at St. Dunstan's, Stepney, by the Rev. R. Lee, rector, Matthew Gray, Esq., Solicitor, of Whitby, to Amelia, second daughter of Captain Thomas Christmas, of Commercial-road, London, formerly of Great Yarmouth.

HOME—HALLETT—On Oct. 19, at St. George's, Bloomsbury, by the Rev. G. E. Winslow, rector of Alexton, and vicar of Tugby-cum-Norton, assisted by the Rev. H. J. Shackleton, vicar of Rothley, Leicestershire, uncles to the bride, Anthony Dickson Home, Esq., M.D., V.C., Staff-Surgeon of the Forces, to Jessie Elizabeth, second daughter of T. P. L. Hallett, of Lincoln's-inn, Barrister-at-Law.

HOWARD—HILL—On Oct. 7, at St. James's, Paddington, by the Rev. B. W. Bucke, Henry Howard, Esq., of Burlington Lodge, Queen's-road, Bayswater, to Harriet Amelia, second daughter of Francis Canning Hill, Esq., Solicitor, of Westbourne-park-crescent.

PHILLIPS—SILK—On Oct. 14, at St. Mark's, Tollington-park, Hornsey, by the Rev. J. Lees, incumbent, William Phillips, Esq., of Kingston-upon-Thames, to Mary Ann, daughter of William B. Silk, Esq., of Lucerne-cottage, Tollington-park, and St. Paul's-churchyard.

RAYMOND—COLLIS—On Oct. 20, at St. George's Church, Hanover-square, by the Rev. William Blennerhassett, incumbent of Iwerne Minster, Dorsetshire, George Raymond, Esq., of Upper Temple-street, Dublin, Barrister-at-Law, to Martha Jane, Widow of the late Maurice Collis, Esq.

SOLLY—GROVER—On Oct. 20, at Hemel Hempsted, by the Rev. Charles J. Way, vicar of Boreham, W. Herbert Solly, Esq., Lieutenant 2nd Bengal European Light Cavalry, eldest son of S. Solly, Esq., F.R.S., of St. Helen's-place, and the Lawn, Hemel Hempsted, to Susanna Elizabeth Sophia, eldest daughter of Charles E. Grover, Esq., of Hemel Hempsted, Herts.

TURNBULL—MARSHALL—On Oct. 14, at St. James's Episcopal Chapel, Leith, by the Rev. J. A. White, incumbent, John William Turnbull, B.A., Catus College, Cambridge, and of Lincoln's-inn, Barrister-at-Law, to Lucy Marshall, younger daughter of the late William Turnbull, Esq., of the Inland Revenue, Peebles, N.B.

DEATHS.

BAYLY—On Oct. 15, at Small-heath, near Birmingham, of malignant scarlet fever, Thomas Heathcote Bayly, Esq., Barrister-at-Law, son of the late Rev. Dr. Bayly, of Midhurst, Sussex.

BOUCHER—On Oct. 9, at Wiveliscombe, Catherine Mary, widow of the late Benjamin Boucher, Esq., Solicitor, aged 58.

HAND—On Oct. 20, at 33 Great James-street, Bedford-row, Elmira, the wife of Lewis Hand, Esq., Solicitor, aged 30.

MANDER—On Oct. 15, at his residence, 49 Bedford-row, James Mander, Esq., of Lincoln's-inn.

SMALE—On Oct. 17, Eliza, wife of Henry Lewis Smale, Esq., of Ashurst-lodge, Kent.

STONE—On Oct. 15, of consumption, at Arona, Piedmont, Charlotte Wilson, wife of Henry Stone, Esq., of the Inner Temple, in the 29th year of her age; also, on the 9th inst., Charlotte, second daughter of the above, aged 14 months; and on the 11th inst., Harry Holbert, their only son, aged 16 days.

WOODHOUSE—On Oct. 18, aged 20, Henrietta Wilhelmina, youngest daughter of James Thomas Woodhouse, Esq., Solicitor, Leominster.

Heirs at Law and Next of Kin.

Advertised for in the London Gazette and elsewhere during the Week.

HAND, ELIZABETH, otherwise MILLER, late of Kingston. She lived with her father in Kew-lane, opposite the King's kitchen garden, about 1804; was formerly in service with one of the Royal Dukes. She had two brothers and a sister married to a person named Wood, also deceased. Apply to W. Lawson, Esq., London-bridge.

HOOD, Dr., late of Van Dieman's Land, who resided in the colony in 1842 and 1843, and who died a few years since. Next of kin to communicate immediately with Messrs. Surr & Gribble, Solicitors, 12 Abchurch-lane.

JOHNSON (supposed to belong to the Royal Navy) and MARY his wife, daughter of Charles Taylor, R.N., whose wife's maiden name was Mary Bachelor. Some portion of the family were living a few years back in the neighbourhood of Westbourne-terrace, Hyde-park. Communications to Messrs. William Gries & Co., 21, East India-chambers, Leadenhall-street.

Money Market.

CITY.—FRIDAY EVENING.

The market to-day is rather heavy, Consols closing at 99¼, ⅜, and most of the shares and stocks having a downward tendency. Turkish Scrip, No. 1, at ¾ to 1 premium; ditto, No. 2, 1⅛ to 2¼ premium; Indian Scrip, at 99¼ to ½. On Thursday the Bank made no alteration in the rate of discount. In the discount

market there is no change; and on the Stock Exchange money is rather more in demand at 1½ per cent.

From the Bank of England return for the week ending the 20th inst., it appears that the amount of notes in circulation is, £21,496,165, being an increase of £295,045; and the stock of bullion in both departments is £19,276,560, showing a decrease of £220,431 when compared with the previous return. A large amount of gold has been received from Russia, and a further supply is anticipated.

On comparing the recent monthly account of the Bank of France with that of the month of September, there appears in the stock of bullion a decrease of £1,775,000; in the amount of notes in circulation an increase of £1,800,000; and in the amount of bills discounted an increase of £1,344,000. In the Government balances a reduction appears of £644,000; and in other deposits a reduction of £783,000. Under the recent alteration of the minimum rate of discount to 3 per cent. a demand for money has sprung up, as shown by the increased amount of bills discounted. Connected herewith, also, is the larger amount of notes in circulation, and the decrease in the stock of bullion. The Bank has considerably augmented its advances on Government rentes and on shares, and the quotation of the Government 3 per cent. stock has improved about 1 per cent, in addition to the previous large advance. These circumstances appear to indicate much increasing activity in commercifl affairs. The returns of revenue receipts for the first nine months of the present year exceed those of the corresponding period of 1856 by £2,320,000, and those of 1857 by £1,244,000. f

A plan has been proposed for extending the conveniences o the clearing-house system to the country generally. It is suggested that a clearing-house for the country be established in London, under proper guards for security and regularity, and that country bankers shall, after stamping their address across each cheque, forward daily to the manager of the clearing-house such cheques on other country bankers as in the course of the day's business have been received by them. The cheques would be sorted at the clearing-house in London on the following morning, and be forwarded that evening to the respective banks upon which they may be drawn. The country bank would then order its London agents to pay the amount at the clearing-house next day. If a cheque were dishonoured it would be returned direct to the remitting bank, and the amount be deducted from the total to be paid at the clearing-house.

London banks might also send all the country cheques received by them to the clearing-house to be sorted and sent off with those received from the country banks. The London bank would be paid the amount of these cheques on the second day after they were sent to the clearing-house. The expense of the necessary establishment might be defrayed by the charge of a small commission. The advantages expected are—1st. The greater expedition and certainty in the post to and from London, compared with cross posts; 2nd. That one letter would do in place of many, and the charge for registering a single letter would be no obstacle to obtaining that security.

English Funds.

English Funds.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Bank Stock	221½	220½ 1½	221½ 2	221 2	222 20½	221 2½
3 per Cent. Red. Ann...	97½ ⅝	97½ ⅝	97⅝ ½ ⅝	97½ ½ ½	97⅝ ½	97⅝ ½ 7
3 per Cent. Cons. Ann...	98½ ⅝	98⅝ ½	98⅝ ½	98½ ½	98⅝ ½	98½ ½
New 3 per Cent. Ann...	97⅝ ½	97½ ⅝	97½ ⅝	97⅝ ½ ⅝	97⅝ ½ ⅝	97⅝ ⅝ 7
New 2½ per Cent. Ann.	..	..	..	..	82 ½	..
Long Ann. (exp. Jan. 5, 1860)	..	..	1½ ½	..	1½ ½	..
Do. 30 years (exp. Jan. 5, 1860)	..	..	..	..	..	..
Do. 30 years (exp. Jan. 5, 1880)	..	..	..	13½	..	..
Do. 30 years (exp. Apr. 5, 1885)	..	18½	18½	..	18½	18½
India Stock	221 3	..	221 4	222 1½ 4	223½ 4	223½
India Loan Debentures..	99⅝ ⅝	99⅝ ½ ⅝	99⅝	99⅝	99⅝	99⅝ ½
India Scrip, Second Issue	99⅝	99½	99⅝ ⅝	99½ ⅝	99½	99⅝
India Bonds (£1,000) ..	15 12s p	11 14s p	..	..	12 8p	12 13s p
Do. (under £500)	15s p	14s p	14s p	14s p	13s p	13s p
Exch. Bills (£1000) Mar.	38 40s p	40s p	37 40s p	..	40s p	42s p
Ditto June....	30 22s p	30s p	29 32s p	31s 34sp	35s 33sp	31s 34sp
Exch. Bills (£500) Mar.	..	..	..	..	..	..
Ditto June....	..	30s 29sp	32sp	..	..	..
Exch. Bills (Small) Mar.	..	40s p	..	..	42s p	..
Ditto June	..	..	32sp	30s p	35s 32sp	..
Do. (Advertised) Mar.	..	..	..	..	..	..
Ditto June	..	..	..	..	..	..
Exch. Bonds, 1858, 3½ per Cent.	..	..	..	..	..	..
Exch. Bonds, 1859, 3½ per Cent.	..	..	..	..	..	..

Railway Stock.

Railways.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Birk. Lan. & Ch. Junc..	..	..	..	..	..	..
Bristol and Exeter	..	..	..	94 3	93	93½
Caledonian.....	85⅝	86 ½	86½ 5½	86½ ½ ⅝	86½ 6 5⅝	85 ½
Chester and Holyhead..	37½	..	37½ 8 7½	..	..	..
East Anglian	..	..	..	..	..	17
Eastern Counties	..	62½ ½	62½ 2	62⅝	62⅝ ½ ½	61½ 2
Eastern Union A. Stock.	..	..	..	..	..	..
Ditto B. Stock	..	..	..	..	..	..
East Lancashire	..	..	..	93½	..	..
Edinburgh and Glasgow	..	..	..	..	..	..
Edin. Perth, and Dundee	..	27½	27½	27½	..	27½
Glasgow & South-Westn.	93	..	..	..	..	..
Great Northern	..	104½ 4	104	..	104½ 5	104⅝ 5
Ditto A. Stock	..	..	..	84½	86½ 6	..
Ditto B. Stock	..	130	..	..	130½	..
Gt. South & West. (Ire.)	..	104 3	103½	103	103½	..
Great Western	56⅝ 6 5⅝	55½ 5⅝	55⅝ ⅝ ¼	55½ 5½	56½ 5½	55⅝ ⅝
Do. Stour Vly. G. Stk.	..	..	57	..	..	..
Lancashire & Yorkshire	..	96	95⅝ ⅞	96 5½	96½ 5⅝	95⅝ ½
Lon. Brighton & S. Coast	112	..	111 ⅝	111½	111 10⅜	111½
London & North-Wstrn..	91⅝ 2	91⅝ ⅝ ½	91½ ⅝ ½	91⅝ ⅝ ½	91½ 90⅝	90⅝ ⅝
London & South-Westrn.	94⅝ 5	93¾ ½ ½	93¾ 3 ¼	94⅝	93⅝ 4	94 ⅜
Man. Sheff. & Lincoln..	..	..	..	36	..	36⅝ ⅝
Midland	..	98 7⅛	98⅜ ⅞	98 8⅛	98⅛ 7⅞ ⅝	97⅝ ⅛
Ditto Birm. & Derby	..	..	..	..	..	..
Norfolk	..	..	64 ½	..	64½ 3⅝	64
North British	58⅜ ½	58½	57⅜ 8½	57⅝ ⅜	58	58
North-Eastern (Brwck.)	94⅝	94⅝ ⅜	94½ ½	94⅝	94 ½ ½	94 3⅛
Ditto Leeds	..	48½ ½	47⅝	48	48	..
Ditto York	77⅜ 8	..	77	77¼	77½ 7 ⅜	..
North London	..	..	102	..	..	102
Oxford, Worc. & Wolver.	..	..	..	..	..	..
Scottish Central	..	..	..	..	..	..
Scot. N.E. Aberdeen Stk.	..	..	..	..	28	27⅜
Do. Scotsh. Mid. Stk.	..	..	..	83 2	..	..
Shropshire Union	..	..	..	44	44⅛	..
South Devon	35	..	34⅞ 5½	..	..	..
South-Eastern	75⅜	74⅜ ⅜ ½	74⅝ 4⅜	74½ ⅜ ½	74 ½ ¼	74
South Wales	..	..	..	..	..	..
Vale of Neath	94	..	..	..	..	..

London Gazettes.

Perpetual Commissioners for taking the Acknowledgments of Married Women.

Tuesday, *Oct.* 19, 1858.

Wood, John Richard, Gent., Woodbridge, Suffolk; for the county of Suffolk.—Sept. 30.

Friday, *Oct.* 22, 1858.

Rowell, William, Gent., Rickmansworth, Herts; for the county of Hertford. July 31.

Bankrupts.

Tuesday, *Oct.* 19, 1858.

BROWN, William, Builder, Whitehaven, Cumberland. *Com.* Ellison: Nov. 1 and Dec. 16, at 12; Royal-arcade, Newcastle-upon-Tyne. *Off. Ass.* Baker. *Sols.* Musgrove, Whitehaven; or Griffith & Crighton, Newcastle-upon-Tyne. *Pet.* Oct. 16.

EVANS, George Montagu, Money Scrivener, late of Farnham, Surrey, now residing at Boulogne, France. *Com.* Goulburn: Nov. 1, at 11; and Dec. 6, at 12; Basinghall-st. *Off. Ass.* Pennell. *Sol.* Kays, 2 New-inn, Strand. *Pet.* Oct. 7.

FIELD, Stephen James, Wine and Spirit and Shipping Agent, 4 Railway-pl., Fenchurch-st. *Com.* Evans: Oct. 28, at 11; and Nov. 25, at 1; Basinghall-st. *Off. Ass.* Johnson. *Sols.* Smith & Oliver, 77 Basinghall-st. *Pet.* Oct. 16.

METCALF, John, & John Lilly, Hosiers, Birmingham. *Com.* Balguy: Nov. 1 & 24, at 10; Birmingham. *Off. Ass.* Kinnear. *Sols.* Langford & Marsden, 57 Friday-street, Cheapside; or Southall & Nelson, Birmingham. *Pet.* Oct. 16.

PALMER, Robert, sen., & Robert Palmer, jun., Scriveners, Stokesley, Yorkshire (Palmer & Son). *Com.* Ayrton; Nov. 1 & 29, at 11; Commercial-bldgs., Leeds. *Off. Ass.* Hope. *Sol.* Harle, Leeds. *Pet.* Oct. 15.

WILLIAMS, James, Grocer, Mountain Ash, Llanwonno, Glamorganshire. *Com.* Hill; Nov. 2 & 30, at 11; Bristol. *Off. Ass.* Acraman. *Sols.* Leman & Humphrys, Bristol. *Pet.* Oct. 15.

WOLF, William, Baker, late of 38 Paradise-st., Rotherhithe, now of 8 Eatenterrace, Rotherhithe. *Com.* Fane: Oct. 30, at 12; and Dec. 3, at 1; Basinghall-st. *Off. Ass.* Whitmore. *Sols.* Messrs. Hilleary, 5 Fenchurch-bldgs., Fenchurch-st. *Pet.* Oct. 16.

WRENSHALL, Charles Lewis, Musical Teacher, Birkenhead. *Com.* Perry: Oct. 28 and Nov. 19, at 11. *Off. Ass.* Turner. *Sol.* Pemberton, Cable-st., Liverpool. *Pet.* Oct. 14.

WRIGHT, Robert, & George Elliott Wright, Wharfingers, Leeds, and 17 Harp-lane, Middlesex. *Com.* West: Nov. 4 & 30, at 11; Commercial-bldgs., Leeds. *Off. Ass.* Young. *Sol.* Naylor, Leeds. *Pet.* Oct. 18.

Friday, *Oct.* 22, 1858.

ALLCOCK, Samuel, Painter, Stafford. *Com.* Balguy: Nov. 11 & 25, at 11.30; Birmingham. *Off. Ass.* Kinnear. *Sol.* Smith, Birmingham. *Pet.* Oct. 20.

BISHTON, James, & William Wilkinson, Fruiterers, Birmingham. *Com.* Balguy: Nov. 11 & 25, at 11.30; Birmingham. *Off. Ass.* Whitmore. *Sol.* Ludlow, Birmingham. *Pet.* Oct. 18.

BURN, David Laing, Merchant, formerly of Kensington Palace-gardens, now residing at No. 36 St. James's-pl., and carrying on business at St. Michael's-house, Cornhill. *Com.* Fonblanque: Nov. 2, at 1.30; and Dec. 3, at 1; Basinghall-st. *Off. Ass.* Graham. *Sols.* Oliverson, Lavie, & Peachey, 5 Frederick's-pl., Old Jewry. *Pet.* Oct. 14.

CHURCHOUSE, Thomas, Grocer, Briton Ferry, near Neath, Glamorgan-

shire. *Com.* Hill: Nov. 2 & 30, at 11; Bristol. *Off. Ass.* Miller. *Sols.* Leman and Humphrys, Bristol. *Pet.* Oct. 4.

LONG, FIELDHOUSE, & WILLIAM LONG, Cloth Manufacturers, Yeadon, Yorkshire. *Com.* Ayrton: Nov. 4 & 30, at 11; Commercial-bldgs., Leeds. *Off. Ass.* Young. *Sols.* Bond & Barwick, Leeds. *Pet.* Oct. 19.

MACKRILL, JOSEPH, Brick & Tile Manufacturer, late of Barton-upon-Humber, Lincolnshire, then of the Queen's Arms-tavern, 70 Newgate-st., then of the Debtors' Prison, Whitecross-st., and now of the Queen's Prison, Surrey. *Com.* Fane: Oct. 30, at 12.30; and Dec. 3, at 12; Basinghall-st. *Off. Ass.* Whitmore. *Sols.* Walter & Moojen, 8 Southampton-st., Bloomsbury. *Pet.* Oct. 16.

MERRIMAN, JOHN, Draper, South Shields. *Com.* Ellison: Nov. 5 and Dec. 17, at 11.30; Royal-arcade, Newcastle-upon-Tyne. *Off. Ass.* Baker. *Sols.* Overbury, Frederick's-pl., Old Jewry; or Harle, Bush, & Co., 20 Southampton-bldgs., Chancery-lane, and 2 Butcher-bank, Newcastle-upon-Tyne. *Pet.* Oct. 14.

OUSTON, JOSEPH SAMUEL, Wine & Spirit Merchant, Kingston-upon-Hull. *Com.* Ayrton: Nov. 10 and Dec. 8, at 12; Town-hall, Kingston-upon-Hull. *Off. Ass.* Carrick. *Sols.* Bond & Barwick, Leeds. *Pet.* Oct. 19.

RADFORD, JOHN BODEN, Butcher, Sun-ct., Curzon-st. *Com.* Evans: Nov. 2, at 11; and Dec. 2, at 1; Basinghall-st. *Off. Ass.* Bell. *Sol.* Pearce, 9 Giltspur-st. *Pet.* Oct. 14.

RENDER, HENRY, Oil Merchant, Manchester, and Newton Heath. Nov. 3 and Dec. 1, at 12; Manchester. *Off. Ass.* Fraser. *Sols.* Westmorland, Wakefield; or Cooper & Sons, 44 Pall-mall, Manchester. *Pet.* Oct. 15.

SCULLY, AMBROSE, Ironmonger, Bradford, Yorkshire. *Com.* Ayrton: Nov. 9, at 12; and Dec. 7, at 11; Commercial-bldgs., Leeds. *Off. Ass.* Hope. *Sols.* Corser & Fowler, Wolverhampton; or G. & A. W. Emsley, Leeds. *Pet.* Oct. 13.

TWIGG, RICHARD EXLEY, Grocer, Louth. *Com.* Ayrton: Nov. 3 and Dec. 1, at 12; Town-hall, Kingston-upon-Hull. *Off. Ass.* Carrick. *Sol.* Bell, Kingston-upon-Hull. *Pet.* Oct. 11.

WILCOX, WILLIAM, Sail Maker, Liverpool. *Com.* Perry: Nov. 5 & 30, at 11; Liverpool. *Off. Ass.* Cazenove. *Sol.* Duke, 7 Church-alley, Liverpool. *Pet.* Oct. 21.

BANKRUPTCY ANNULLED.

FRIDAY, *Oct.* 22, 1858.

AUSTEN, ALEGERNON STEWART, Ship & Insurance Broker, 59 Fenchurch-st. (Cunard, Austen, & Co.) Oct. 21.

MEETINGS.

TUESDAY, *Oct.* 19, 1858.

ANTHONY, JOHN, Grocer, 33 Old Town-st., Plymouth. *Aud. Accts. & Prf. of Dbts.* Nov. 10, at 1; Athenæum, Plymouth.

BROWN, JAMES, Inn Keeper, Whaley-bridge and Buxton, Derbyshire. *First Div.* Nov. 9, at 12; Manchester. *Com.* Jemmett.

CARVER, JOHN, & WILLIAM PEET, Merchants, Basinghall-st. *Final Div.* Nov. 10, at 1; Basinghall-st. *Com.* Goulburn.

CRUSE, JONATHAN, Builder, Kintbury, near Hungerford. *Div.* Nov. 10, at 11; Basinghall-st. *Com.* Goulburn.

CUMBERLAND, ROBERT, Fancy Goods Manufacturer, 31 Addle-st., Wood-st. *Div.* Nov. 11, at 11; Basinghall-st. *Com.* Evans.

CURNO, PHILIP, Wheelwright, 17 Russell-st., Plymouth. *Aud. Accts., Prf. of Dbts., & Div.* Nov. 10, at 1; Athenæum, Plymouth.

EDWARDS, WILLIAM, Common Brewer, Stamford. *Div.* Nov. 11, at 10.30; Shire-hall, Nottingham. *Com.* Balguy.

FISHER, JOHN, Builder, Nottingham. *Aud. Accts. & Div.* Nov. 11, at 10.30; Shire-hall, Nottingham. *Com.* Balguy.

GREENWOOD, THOMAS, & SAMUEL KING, Builders, Cannon-st., and St. Aubyn-st., Devonport. *Aud. Accts., Prf. Dbts., & Div.* Nov. 10, at 1; Athenæum, Plymouth.

LYDE, EDWARD, & PHILIP STONE, Warehousemen, Bristol. *Div.* Nov. 11, at 11; Bristol. *Com.* Hill.

SHEARD, SCHOFIELD CROWTHER, & GEORGE UNDERWOOD, Millwrights, Smethwick, Staffordshire. *Last Ex.* Nov. 4, at 11; Birmingham (previously adjnd. sine die). *Com.* Balguy.

SLADE, THOMAS, & THOMAS SLADE, jun., Oil-Merchants, Bartholomew-close, Smithfield. *Div.* sep. est. T. Slade, jun., Nov. 9, at 12.30; Basinghall-st. *Com.* Holroyd.

WATES, JAMES, Hotel Keeper, Gravesend. *Div.* Nov. 12, at 12; Basinghall-st. *Com.* Holroyd.

WELLS, RICHARD, Tea Dealer, Blackburn, Lancashire. *Div.* Nov. 11, at 1; Manchester. *Com.* Skirrow.

WEST, JOHN, Ironmonger, Plymouth. *Aud. Accts., Prf. Dbts., & Div.* Nov. 10, at 1; Athenæum, Plymouth.

WESTHOP, JOHN KING, Glove Manufacturer, Staining-lane. *Div.* Nov. 10, at 12; Basinghall-st. *Com.* Goulburn.

WHITE, CHARLES, Poulterer, Willingale Spain, Essex. *Div.* Nov. 9, at 2.30; Basinghall-st. *Com* Holroyd.

FRIDAY, *Oct.* 22, 1858.

ARMSTRONG, BENJAMIN, Ironmonger, Sunderland. *Second Div.* Nov. 18, at 12.30; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison.

ASHTON, WILLIAM, Builder, Loughborough-rd., Brixton. *Div.* Nov. 12, at 12; Basinghall-st. *Com.* Evans.

AYERS, JOHN DERRICK, & DAVID M'HAFFIE MELLISS, Merchants, Nottingham, & New York, U. S. *Last Ex.* (*by adj.* from Sept. 28), Nov. 12, at 11; Basinghall-st. *Com.* Holroyd.

BALDWIN, HENRY, & JOHN BALDWIN, Tailors, 31 Cornhill, Tavern Keepers, of Tom's Coffee-house, Cowper's-ct., 31 Cornhill, H. Baldwin carrying on business separately as a Tailor, at 62 Cheapside. *Div.* Nov. 15, at 12; Basinghall-st. *Com.* Goulburn.

BENNETT, GEORGE WILLIAM, Draper, Eastbourne, Sussex. *Div.* Nov. 16, at 12.30; Basinghall-st. *Com.* Holroyd.

BLACKWELL, JOHN, Upholsterer, 36 High-st., Portsmouth. *Div.* Nov. 13, at 12.30; Basinghall-st. *Com.* Goulburn.

BURROUGHS, BENJAMIN MERCER, Ironmonger, Liverpool. *Div.* Nov. 15, at 11; Liverpool. *Com.* Perry.

COULSON, GEORGE NORTON, Butcher, Lincoln. *Ch. New Tr. Ass. & Prf. Dbts.* Nov. 3, at 12; Town-hall, Kingston-upon-Hull. *Com.* Ayrton.

DIXON, EDWARD, Oil & Colourman, Gravesend. Creditors to meet on Nov. 12, at 1, at Basinghall-st., to decide upon the offer made to the creditors, on Oct. 20, with a view to superseding the Petition.

EVANS, MAURICE, & JOHN WILLIAM HOARE, Export Wine and Bottled Beer Merchants, 29 Great St. Helen's, and Trinity-wharf, Rotherhithe. *Div.* Nov. 12, at 11; Basinghall-st. *Com.* Evans.

FRANCIS, THOMAS, Plasterer, 5 Cross-road, Islington. *Last Ex.* (*by adj.* from Oct. 5) Nov. 2, at 1; Basinghall-st. *Com.* Fonblanque.

FRANKENSTEIN, JACOB, Commission Merchant, 10 Devonshire-st. *Div.* Nov. 15, at 1.30; Basinghall-st. *Com.* Goulburn.

GLENNIE, ALEXANDER, Sewed Muslin Warehouseman, 9 Friday-st., Cheapside. *Div.* Nov. 13, at 12; Basinghall-st. *Com.* Goulburn.

HARRIS, HENRY, Sewed Muslin Warehouseman, Bread-st. *Div.* Nov. 12, at 12.30; Basinghall-st. *Com.* Evans.

HEDLEY, JOHN WATSON, Plumber, South Shields. *First Div.* Nov. 16, at 12.30; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison.

HEWITSON, JOHN, Mathematical Instrument Maker, Newcastle-upon-Tyne. *First & Final Div.* Nov. 18, at 11; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison.

HODGKINSON, SYDNEY, Wholesale Stationer, 3 Queenhithe, Upper Thames-st., and 2 Albion-ter., High-st., Peckham. *Div.* Nov. 15, at 11.30; Basinghall-st. *Com.* Goulburn.

JONES, JOHN, Stationer, 18 High Holborn. *Div.* Nov. 12, at 12; Basinghall-st. *Com.* Fonblanque.

LESLIE, ROBERT (Cheape & Leslie), Merchant, 19 Abchurch-lane. *Div.* Nov. 15, at 1; Basinghall-st. *Com.* Goulburn.

MILES, JAMES, Grocer, Richmond, Surrey. *Div.* Nov. 12, at 12; Basinghall-st. *Com.* Goulburn.

MOSLEY, CHARLES, & JOHN MARLOW MOSLEY (Mosley & Son), News Agents, 16 Catherine-st., Strand. *Div.* Nov. 16, at 2; Basinghall-st. *Com.* Holroyd.

NAZER, DANIEL, Hatter, Snargate-st., Dover. *Last Ex.* Nov. 2, at 12.30; Basinghall-st. *Com.* Fonblanque.

NICHOLES, HENRY, Confectioner, 71 Piccadilly. *Div.* Nov. 13, at 12; Basinghall-st. *Com.* Fonblanque.

PARKER, BENJAMIN (Trueman, Parker, & Co.), Merchant, late of 1 Adelaide-pl., London-bridge, now of Sufferance Wharf, Millwall, and also a Prisoner in Queen's Prison, Southwark. *Last Ex.* (*by adj.* from Sept. 8), Nov. 2, at 12; Basinghall-st. *Com.* Fonblanque.

ROLFE, THOMAS, Pianoforte Maker, 139 Regent-st., and Marshall-st., Golden-sq. *Div.* Nov. 15, at 1; Basinghall-st. *Com.* Goulburn.

STUNT, CHARLES, Watchmaker, 182 Oxford-st. *Div.* Nov. 12, at 12.30; Basinghall-st. *Com.* Goulburn.

TISOE, WILLIAM CHARLES, Plumber, Hertford (Tisoe & Son). *Div.* Nov. 16, at 1; Basinghall-st. *Com.* Holroyd.

TOMBS, ISRAEL, Horse Dealer, Newbury, Berks. *Div.* Nov. 13, at 11; Basinghall-st. *Com.* Goulburn.

TULLY, THOMAS, Builder, Tudely, Kent. *Div.* Nov. 16, at 12; Basinghall-st. *Com.* Holroyd.

WHALEY, WILLIAM ELLERBY, & WILLIAM JOHN HILLSTEAD, Warehousemen, 82 Wood-st., Cheapside. *Div.* joint est., & sep. est. W. E. Whaley, Nov. 12, at 11; Basinghall-st. *Com.* Goulburn.

WILKINSON, JOHN ETRIDGE, & MARY MARVEL, Innkeepers, Roker, Sunderland. *Div.* sep. est. J. E. Wilkinson, Nov. 18, at 11.30; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison.

DIVIDENDS.

TUESDAY, *Oct.* 19, 1858.

ANDREWS, ARCHIBALD COOPER, Tea Dealer, 57 Tottenham Court-rd., and 32 Broad-st., Bloomsbury. First, 1*s.* 8¼*d.* *Whitmore*, 2 Basinghall-st.; any Wednesday, 11 to 3.

BRIGGS, ROBERT, Common Brewer, Burgh-in-the-Marsh, Lincolnshire. First, 4¼*d.* *Carrick*, Quay-st.-chambers, Hull; any Thursday, 11 to 2.

CHASSEREAU, THOMAS PURTON, Merchant, late of Finsbury-pl. South, now of Lime-st. First, 1*s.* 9½*d.* *Whitmore*, 2 Basinghall-st.; any Wednesday, 11 to 3.

CLARKE, HENRY, Saddler, Marton, Lincolnshire. First, 1*s.* 8*d.* *Carrick*, Quay-st.-chambers, Hull; any Thursday, 11 to 2.

CONSITT, RICHARD, Commission Agent, Kingston-upon-Hull. First, 4*s.* 2*d.* *Carrick*, Quay-st.-chambers, Hull; any Thursday, 11 to 2.

EXLEY, CHARLES, Corn Factor, Wakefield. Second, 1*s.* 4*d.* *Young*, 5 Park-row, Leeds; any day, 10 to 1.

FARRINGTON, HENRY, Auctioneer, Walsall. First, 7*s.* *Whitmore*, 19 Temple-st., Birmingham; any Tuesday, 11 to 3.

GILL, ROBERT HENRY, Innkeeper, Hartlepool. First, 7*d.* *Baker*, Royal-arcade, Newcastle-upon-Tyne; any Saturday, 10 to 3.

HART, THOMAS, Hat & Cap Manufacturer, 41 Charlotte-st., Blackfriars. Second, 6*d.* *Whitmore*, 2 Basinghall-st.; any Wednesday, 11 to 3.

HEMMING, ALFRED JONES, Licensed Victualler, Birmingham. First, 2*s.* *Whitmore*, 19 Temple-st., Birmingham; any Tuesday, 11 to 3.

HODGE, JOHN SCAIFE, Miller, Pocklington. Second, 1¼*d.* *Young*, 5 Park-row, Leeds; any day, 10 to 1.

KIDD, SAMUEL GEORGE, Seed Crusher, Kingston-upon-Hull. Second, 3*d.* *Carrick*, Quay-st.-chambers, Hull; any Thursday, 11 to 2.

LADD, JOHN, Builder, Liverpool. Second, 2*s.* 1*d.* *Turner*, 53 South John-st., Liverpool; any Wednesday, 11 to 2.

LAWRENCE, MARIA, Tailor, 184 Lambeth-walk, Lambeth. First, 2*s.* 4½*d.* *Whitmore*, 2 Basinghall-st.; any Wednesday, 11 to 3.

M'KNIGHT, JOHN THOMPSON, Timber Dealer, Liverpool. First, 3*s.* 11*d.* *Turner*, 53 South John-st., Liverpool; any Wednesday, 11 to 2.

PARKINSON, WILLIAM, Worsted Spinner, Bradford. Second, 1*s.* *Young*, 5 Park-row, Leeds; any day, 10 to 1.

PECKSTON, THOMAS, Linen Draper, Scarborough. First, 7*s.* 6*d.* *Young*, 5 Park-row, Leeds; any day, 10 to 1.

POOLE, WILLIAM, Provision Merchant, Kingston-upon-Hull. Second, 4*d.* *Carrick*, Quay-st.-chambers, Hull; any Thursday, 11 to 2.

STAINTON, MATTHEW, Iron Founder, South Shields. First, 13*s.* 4*d.* *Baker*, Royal-arcade, Newcastle-upon-Tyne; any Saturday, 10 to 3.

THORMAN, JOSEPH, jun., Commission Agent, Newcastle-upon-Tyne. First, 2*s.* 9*d.* *Baker*, Royal-ascade, Newcastle-upon-Tyne; any Saturday, 10 to 3.

TROTMAN, SIMON LEE, Merchant, &c. Sixth, 1*s.* 2½*d.* *Turner*, 53 South John-st., Liverpool; any Wednesday, 11 to 2.

WALKER, JOHN, Coal Merchant, Bridlington, Yorkshire. First, 3*s.* 6*d.* *Carrick*, Quay-st.-chambers, Hull; any Thursday, 11 to 3.

WALKER, WILLIAM, Woolstapler, Bradford. First, 6*s.* *Young*, 5 Park-row, Leeds; any day, 10 to 1.

WATKIN, WILLIAM, Miller, Brompton Mill, Churchstoke, Salop. First, 2*s.* 3*d.* *Whitmore*, 19 Tempie-st., Birmingham; any Tuesday, 11 to 3.

WELBERRY, WILLIAM, Innkeeper, Woodhall, Lincolnshire. First, 1*s.* 3*d.* *Carrick*, Quay-st.-chambers, Hull; any Thursday, 11 to 2.

Friday, *Oct.* 22, 1858.

BROWN, MATTHEW, & JOHN BROWN, Woolstaplers, Bradford. First, 20*s.*, sep. est. of each. *Hope*, 1 South-parade, Park-row, Leeds; any Saturday, 10 to 12.

DOHERTY, JOHN, Corn & Provision Merchant, Liverpool. First, 2*s.* 0½*d.* *Turner*, 53 South John-st., Liverpool; any Wednesday, 11 to 2.

FRASER, WILLIAM, Cabinet Maker, Leeds. First, 1s. 0½d. *Hope*, 1 South-parade, Park-row, Leeds; any Saturday, 10 to 12.

HANSON, BENJAMIN, Cotton Waste Dealer, Paddock, Huddersfield. First, 5s. 2½d. *Hope*, 1 South-parade, Park-row, Leeds; any Saturday, 10 to 12.

SENIOR, WILLIAM THOMAS, Fellmonger, Horbury-bridge. First, 8s. 6d. *Hope*, 1 South-parade, Park-row, Leeds; any Saturday, 10 to 12.

SMITH, JOSEPH, WILLIAM SMITH, & ISAAC NICHOLS, Worsted Spinners, Bowling, Bradford. First, 3d. *Hope*, 1 South-parade, Park-row, Leeds; any Saturday, 10 to 12.

WRIGHT, GEORGE THOMAS, Tea Dealer, Huddersfield. First, 2s. 9d. *Hope*, 1 South-parade, Park-row, Leeds; any Saturday, 10 to 12.

CERTIFICATES.

To be ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting.*

TUESDAY, *Oct.* 19, 1858.

BOLTON, THOMAS, Bookseller, 3 Danes-inn, Strand, and 16 St. Augustine-rd., Camden-town. Nov. 11, at 2; Basinghall-st.

CHESTERMAN, EDWIN, Builder, Banbury. Nov. 10, at 1.30; Basinghall-st.

CREES, BENJAMIN M'CLEISH, & JOHN BOYD, Silk Manufacturers, Bow-churchyard. Nov. 9, at 1; Basinghall-st.; on appleen. of B. M'Cleish Crees.

GARSIDE, THOMAS, Licensed Victualler, Ashton-under-Lyne. Nov. 25, at 12; Manchester.

HALL, HENRY JOHN, Insurance & Ship Broker, Mark-lane-chambers, Mark-lane. Nov. 10, at 1; Basinghall-st.

HARBUTT, THOMAS, Wine & Spirit Merchant, North Shields. Nov. 10, at 11.30; Royal-arcade, Newcastle-upon-Tyne.

HODGKINSON, SYDNEY, Wholesale Stationer, 3 Queenhithe, Upper Thames-st., and 2 Albion-ter., High-st., Peckham. Nov. 11, at 11.30; Basinghall-st.

LAST, GEORGE EVERITT, Manure Merchant, Old Heath, Colchester. Nov. 10, at 12.30; Basinghall-st.

LYALL, JOHN, Dealer in Malt and Hops, formerly of the Swan Brewery, Chelsea, now a prisoner for Debt in the Queen's Prison, Surrey. Nov. 11, at 1; Basinghall-st.

POOLE, STEPHEN, Timber Dealer, 8 Windmill-st., Lambeth-walk, and 44 Chester-st., Kennington-lane. Nov. 10, at 12; Basinghall-st.

POWELL, CHARLES, & EDWARD COOKE, Mining Share Dealers, 8 Hercules-chambers, Old Broad-st. Nov. 10, at 2; Basinghall-st.

SHAW, JAMES, Grocer, Southover, near Lewes, Sussex. Nov. 11, at 12.30; Basinghall-st.

SMITH, GEORGE, Cabinet Maker, Pantechnicon, Queen's-rd., Brighton. Nov. 11, at 11; Basinghall-st.

STREET, WILLIAM FAUNTLEROY, Insurance Broker, Austin Friars. Nov. 9, at 12.30; Basinghall-st.

STUNT, CHARLES, Watchmaker, 182 Oxford-st. Nov. 10, at 1; Basinghall-st.

FRIDAY, *Oct.* 22, 1858.

AINLEY, JOSEPH, Woollen Manufacturer, Elland, near Halifax. Nov. 12, at 11; Commercial-bldgs., Leeds.

BAILEY, JOHN GEORGE, Dealer in Small Wares, Halifax. Nov. 12, at 11; Commercial-bldgs., Leeds.

BLACKWELL, MARGARET, Coach Manufactnrer, Sheffield (Wife of Joseph Blackwell, a lunatic), trading as a Feme Sole (Blackwell & Co.) Nov. 13, at 10; Council-hall, Sheffield.

BLAKEMORE, JOHN HARRIS, Brass & Iron Founder, Wednesbury, Staffordshire. Nov. 15, at 10; Birmingham.

BRADSHAW, BENJAMIN, & JAMES WEBSTER, jun., Canvas Manufacturers, of the Folly, Holbeck, near Leeds. Nov. 12, at 11; Commercial-bldgs., Leeds.

BURKINSHAW, EDWARD, & WILLIAM HUDSON, Curriers, Knaresborough & Wetherby, Yorkshire. Nov. 12, at 11; Commercial-bldgs., Leeds.

CROPPER, JOHN, Miller, Old Park Mill, Sheffield. Nov. 13, at 10; Council-hall, Sheffield.

DAVIDSON, DANIEL MITCHELL, & COSMO WILLIAM GORDON, Colonial Brokers, Mincing-lane, and Cousins-lane, Upper Thames-st. Nov. 13, at 11; Basinghall-st.

DUNHAM, JOHN, Licensed Victualler, of the Doctor Johnson's Tavern, Bolt-ct., Fleet-st. Nov. 12, at 11.30; Basinghall-st.

FOSTER, SAMUEL, Dyer, Morley, Batley, Yorkshire. Nov. 12, at 11; Commercial-bldgs., Leeds.

GLEDHILL, CALEB, Draper, Chesterfield, Derbyshire. Nov. 13, at 10; Council-hall, Sheffield.

HARGREAVES, THOMPSON, Innkeeper, Bradford. Nov. 12, at 11; Commercial-bldgs., Leeds.

HARPER, JAMES FLETCHER, Ironmonger, Dudley. Nov. 15, at 10; Birmingham.

HUNEY, JAMES, Timber Merchant, Birmingham. Nov. 15, at 10; Birmingham,

JONES, HENRY, Brass & German Silver Founder, Rockingham-st., Sheffield. Nov. 13, at 10; Council-hall, Sheffield.

LESLIE, ROBERT, Merchant, 19 Abchurch-lane (Cheape & Leslie). Nov. 15, at 12; Basinghall-st.

ROBINSON, THOMAS, jun., Watch Maker, Sheffield. Nov. 13, at 10; Council-hall, Sheffield.

WALKER, WILLIAM, Woolstapler, Bradford. Nov. 12, at 11; Commercial-bldgs., Leeds.

WILSON, CHARLES FREDERICK, Grocer, 14 Minster-st., Reading. Nov. 15, at 1; Basinghall-st.

To be DELIVERED, *unless* APPEAL *be duly entered.*

TUESDAY, *Oct.* 19, 1858.

CURNO, PHILIP, Wheelwright, 17 Russell-st., Plymouth. Oct. 11, 1st class.

DILLON, CHARLES JAMES, Bookseller, 12 Delamere-crescent, Upper Westbourne-ter., Paddington, and of the Lyceum Theatre, Strand. Oct. 14, 2nd class.

EVANS, RICHARD, sen., Veterinary Surgeon, 14 Grey-ter., and Napier-st., Great Dover-st., Newington, and Talbot-inn-yard, High-st., Southwark. Oct. 13, 3rd class.

PAGE, JOHN, Grocer, Hythe. Oct. 14, 2nd class.

ROCHEFORT, LOUIS, Importer of Foreign Goods, 17 Broad-st.-bldgs. Oct. 13, 3rd class.

TOZER, HENRY, Tin Plate Worker, 3 Dean-st., Soho, and 3 Cranbourne-st., Leicester-sq., Milliner. Oct. 13, 3rd class.

WALLER, WILLIAM HENRY, Scrivener, 7 John-st., Adelphi. Oct. 14, 2nd class.

WEST, JOHN, Ironmonger, Plymouth. Oct. 11, 1st class.

WINDER, HENRY. Shawl Dealer, 29 Oxford-st. Oct. 13, 3rd class, after having been suspended for 18 mos.

FRIDAY, *Oct.* 22, 1858.

AVERY, WILLIAM, Ship Owner, Bristol. Oct. 18, 1st class.

COURTEEN, HENRY, Innkeeper, Park End, Westdean, Gloucestershire. Oct. 19, 2nd class, after a suspension of 1 mo. with protection.

HOOPER, FREDERICK WILLIAM, & CHARLES WENTWORTH WASS, Picture Dealers, 3 New Burlington-st. Oct. 15, 2nd class; to C. W. Wass.

SMITH, JOSEPH, Maltster, Tewkesbury. Oct. 18, 2nd class; after a suspension of 9 mos.

Professional Partnership Dissolved.

FRIDAY, *Oct.* 22, 1858.

ALLEN, CHARLES PETTITT, JOHN WILLIAM ALLEN, CHARLES ALLEN, & GEORGE ALLEN, Attorneys-at-Law & Solicitors, 17 Carlisle-st., Soho-sq.; by mutual consent, as regards C. Allen. Sept. 29.

Assignments for Benefit of Creditors.

TUESDAY, *Oct.* 19, 1858.

AISLEWOOD, GEORGE, Ironfounder, Rotherham, Yorkshire, and HARRIS AISLEWOOD, Rotherham, Widow, and sole executrix of J. Aislewood, Ironfounder, Rotherham. Sept. 23. *Trustees*, W. Waterfall, Rotherham, Manager of the Sheffield Banking Co., at Rotherham; W. Short, Iron Merchant, Sheffield; R. Harris, Ironfounder, Rotherham. *Sol.* Coward, Rotherham.

EVANS, ABRAHAM, Sawyer, Liverpool. Sept. 27. *Trustee*, G. E. Holt, Accountant, Liverpool. *Sol.* Clements, 2 South John-st., Liverpool.

FRIEDRICHS, WILLIAM, & MARK SIMMONS, Fringe Manufacturers, 12 Newgate-st. Sept. 23. *Trustees*, T. Kelsey, Manufacturer, 21 Milk-st., Cheapside; J. Harman, Guano Dealer, Canterbury. *Sol.* Camp, 12 Paternoster-row.

GOWANLOCK, ROBERT, Joiner, Bolton, Lancashire. Oct. 2. *Trustees*, T. Barlow, Brick Maker, Bolton; J. Brown, Iron Founder, Bolton. *Sols.* Richardson, Hinnell, & Richardson, Bolton.

HOLMES, DAVID, Plumber & Glazier, Kingston-upon-Hull. Oct. 13. *Trustees*, J. Cooke, Lead Merchant, M. C. Davison, Merchant, both of Kingston-upon-Hull. *Sols.* Shackles & Son, 7A Land-of-Green-Ginger, Hull.

VONCARNEP, JOHN ABRAHAM GEORGE (Harris & Co.), Timber Merchant, 109 Borough-rd., Southwark. Oct. 6. *Trustees*, R. W. Bartram, Sawmill Proprietor, Belvedere-rd., Lambeth; J. Langton, Timber Merchant, Queen's-wharf, Rotherhithe. Creditors to execute before Nov. 6. *Sol.* Kingdon, 3 Lawrence-lane, Cheapside.

FRIDAY, *Oct.* 22, 1858.

COY, GEORGE, Blacksmith, Northend, Warwickshire. Oct. 4. *Trustee*, T. Martin, Auctioneer, Southam, Warwickshire. *Sols.* R. F. & C. Welchman, Southam.

EASTWOOD, WILLIAM, Joiner, Old Swan, near Liverpool. Oct. 1. *Trustee*, W. Erlam, Plumber, Liverpool; J. Hook, Bricklayer, Toxteth-park, near Liverpool. *Sol.* Conway, 22 Lord-st., Liverpool.

NEWMAN, JOHN BLANTON, Grocer, Coleford, Gloucestershire. Oct. 16. *Trustee*, W. Walker, Chemist & Druggist, Malmesbury. *Sol.* Jones, Malmesbury.

RIMMER, WILLIAM TYRER, Gent., Lydiate, Lancashire. Oct. 18. *Trustee*, J. Tyrer, Merchant, Mersey-chambers, 6 Old Churchyard, Liverpool; J. Lewis, Accountant, North Crescent-chambers, 3 Lord-st., Liverpool. *Sols.* Carson & Ellis, Talbot-chambers, 3 Fenwick-st., Liverpool.

SMITH, BARNABAS PENROSE, Woollen Draper, Lower-head-row, Leeds. Sept. 24. *Trustees*, B. Stretton, Merchant, Manchester; J. Chaffey, Merchant, 80 Queen-st., Cheapside, London. *Sol.* Welsh, 16 Cooper-st., Manchester.

SPENCER, RICHARD, Grocer, Bath. Oct. 1. *Trustees*, W. Nation, Grocer, Bath; F. J. Nash, Tea Dealer, 19 Eastcheap, London. *Sol.* Cowdry, Bath.

WALKER, JOHN, Butcher, Batley Carr, Dewsbury, Yorkshire. Sept. 29. *Trustees*, J. Labrey, Tea Dealer, Huddersfield; W. J. Clough, Corn Miller, Bramley, near Leeds. *Sol.* Booth, 25 Bank-st., Leeds.

Windings-up of Joint Stock Companies.

LIMITED, IN BANKRUPTCY.

TUESDAY, *Oct.* 19, 1858.

MARESFIELD GUNPOWDER COMPANY (LIMITED).—A Petition was presented to the Court of Bankruptcy in London, on Oct. 4, for winding up this Company, and the said Company was, on Oct. 15, ordered to be wound up, and H. H. Stansfeld, Esq., was appointed by the said Court Official Liquidator. Creditors are to prove their debts on Nov. 2, at 12, in Basinghall-st., before Mr. Com. Fonblanque.

FRIDAY, *Oct.* 22, 1858.

LONDON UNADULTERATED FOOD COMPANY (LIMITED).- Mr. Com. Evans will sit on Nov. 12, at 1, in Basinghall-st., to make a further Div.

Scotch Sequestrations.

TUESDAY, *Oct.* 19, 1858.

KAYE, GEORGE MURRAY (Kaye & Muir, and Kaye, Rentoul, & Co.), Manufacturer, Glasgow. Oct. 26, at 12; Glasgow Stock Exchange, National Bank-bldgs., Glasgow. *Seq.* Oct. 15.

MUCKLESTON, RICHARD JEFFREYS, Commission and Leather Merchant, sometime in Dalston, London, thereafter in Glasgow, and now residing in Borrowstounness. Oct. 26, at 12; Star and Garter-hotel, Linlithgow. *Seq.* Oct. 15.

FRIDAY, *Oct.* 22, 1858.

DICK, FRANCIS, jun., Sacking Manufacturer, Dundee. Oct. 29, at 11; British-hotel, Castle-st., Dundee. *Seq.* Oct. 16.

LANG, ARCHIBALD GRAHAM, Merchant, Glasgow, sometime partner of Lang & Lawson, Merchants, Glasgow, and the Crimea. Oct. 26, at 12; Faculty-hall, St. George's-pl., Glasgow. *Seq.* Oct. 18.

SCOTT, STEWART, Upholsterer, Mouse-lane, South St. David-st, & Abercromby-pl, Edinburgh. Oct. 26, at 12; Stevenson's-rooms, 4 St. Andrew-sq., Edinburgh. *Seq.* Oct. 18.

SMART, ALEXANDER, Cabinet Maker, Glasgow. Oct. 29, at 2; Faculty-hall, St. George's-pl., Glasgow. *Seq.* Oct. 17.

WHITEHEAD, WILLIAM CULLEN, Glasgow, & WILLIAM GRAHAM KERR, Singapore, Merchants, carrying on business in Glasgow under firm of Whitehead, Kerr, & Co., and in Singapore and Double Island, Swatow, under firm of Kerr, Whitehead, & Co. Oct. 29, at 1; George-hotel, George-sq., Glasgow. *Seq.* Oct. 20.

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THE SOLICITORS' JOURNAL.

LONDON, OCTOBER 30, 1858.

SEARCHING FOR JUDGMENTS.

What is the duty of a solicitor acting for a purchaser or mortgagee as regards judgments? It might be thought that upon a point like this, of every day practical importance, the Legislature would have spoken in brief, unambiguous terms. But this branch of our law, far from being a model of perspicuity, might be chosen to exemplify the need and at the same time the difficulty of consolidation. If any social reformer came away from the meeting at Liverpool under the belief that Lord John Russell would shortly bestow upon his grateful country a "simple and enlightened" code of real property law, a short review of the legislation regarding judgments during the last twenty years may inspire more moderate anticipations.

It is probable that the authors of the 1 & 2 Vict. c. 110, imagined that they could put the law of judgments affecting land upon a simple footing. By the 11th section of that statute, the right to execution was extended to all lands of which the debtor was seised or possessed at the time of entering up the judgment, or at any time afterwards. By the 13th section, the judgment was made a charge upon all lands against the debtor and all persons claiming under him after such judgment, and relief was to be given to the creditor in equity in like manner as if the debtor had agreed in writing to charge the lands. The statute then provided for the registration of judgments, and its framers proposed to leave purchasers to protect themselves by diligent search. By an Act of the next session, re-registration was required within five years; so that the purchaser would only have been obliged to carry back his search for that period. Now if the law had been enacted in this shape, its operation would have been simple, but some persons might say that it was unjust. There have been prevalent throughout the attempts at legislation upon this subject two conflicting views of the principle which ought to be adopted. One party contends for simplicity at the risk of occasional hardship. The other would anxiously protect all fair claimants, at the expense of creating complications. The proviso introduced into the 1 & 2 Vict. c. 110, in favour of purchasers for value without notice, originated in the opposite school of opinion to that from which the Bill proceeded. The measure, as passed, is a compromise between antagonist ideas. Many other measures have been passed on various subjects in which we might trace the same defect, and so long as statutes are framed without a distinct previous agreement upon principles, it will be vain to expect any advance towards simplicity in the law. But the authors of the proviso were not satisfied without a fuller recognition of their principle. By the 2 Vict. c. 11, it was enacted, that as against purchasers without notice no judgment should affect lands more extensively, although duly registered, than a docketed judgment would have done before the Act of the previous session, according to the law then in force. It is to be observed that the statute from which we are quoting has now been in existence twenty years, and during that time the traditions of the law as to the docketing of judgments may naturally have become indistinct. It is true that there are among us eminent and venerable lawyers who remember best the learning acquired in their youth, and who, no doubt, could tell off-hand and exactly what would be the effect, in any given state of circumstances, of a judgment duly docketed according to the old practice. It is pleasant to these sages to be able to lay down that upon any point before them the old law—the law which prevailed when they were young—must still govern. They know all about the Statute of Westminster, and the Act of William and Mary, and would prefer deciding cases under them to adopting the legislation of the reigning Queen. If they frame a new law it is only by way of supplement to the old, which must still be kept in view in order to understand the added part. They forget that a younger generation has not time for the difficult antiquarian investigations on which they would employ it. The body of actual law which grows from year to year is sufficient to task the most powerful mind without the factitious necessity of inquiring what the law would have been if certain repealed enactments still held their places in the statute book.

The present law is, that the want of registration of a judgment cannot be supplied by notice. It would seem to follow, that, where registration has taken place, it ought to have in all cases the effect of notice. If the principle of registration be adopted at all, it deserves, one should think, to be thus carried out in its full integrity. Yet there are cases where a purchaser, by omitting to search the register, and by otherwise avoiding notice, may defeat registered judgment creditors. These cases depend upon the old law, as it stood before the Act of the 1st & 2nd of the Queen. That law must be collected from decisions more than twenty years old; and, of course, it is best known to those lawyers who practised in the first quarter of the present century. The rule applicable to a particular case may be inferred with more or less certainty from a careful study of the Reports, but it would be very unsafe to act upon a conclusion which was not sanctioned by experienced counsel. Thus the difficulties of real property law, which will always, in the natural course of things, be formidable, are artificially aggravated by legislation upon conflicting principles. Parliament establishes a registry of judgments, and then cripples its utility by a proviso for the benefit of those who take care not to look at it. The question whether a purchaser has or has not notice, is exactly one of those most prolific of troublesome litigation. Subtle minds delight in disputing upon such points, but it is hard upon the public to be made to pay for the intellectual gratification of a few distinguished lawyers.

Instead of embarking on extravagant projects of codification, it would be well for Parliament to endeavour to correct the embarrassments and complication which have been caused by its own inconstant allegiance to contradictory theories. In order to render the law of judgments affecting land generally intelligible, it is expedient either to give binding force to registered judgments in all cases, or to enact that judgments shall not bind land until execution issues. The first of these principles appears to have been adopted by those who introduced the Registration Act. The second is embodied in a clause of the Law of Property Amendment Bill, which a select committee of the House of Lords last session

framed out of two Bills brought in by Lord St. Leonards. The existing law appears to be a compromise between these two principles, and it is not wonderful that the Legislature, having attained to no fixed ideas, should have failed to enunciate its meaning clearly. The Law of Property Amendment Bill, after emerging from the select committee, passed the House of Lords, and for some time held a place among the orders of the day in the House of Commons. But, finally, it became evident that the Bill could only pass, in an exhausted and impatient House, by abandoning all discussion; and some members would not consent to take the wisdom of the law lords on trust. By the 24th section of the Bill, as brought into the Commons, it was proposed to enact that no judgment, whether registered or not, should affect any land as to a bonâ fide purchaser for valuable consideration or a mortgagee (whether such purchaser or mortgagee had notice or not of any such judgment), unless a writ of execution of such judgment should have been issued and executed before the execution of the conveyance or mortgage, and the payment of the purchase or mortgage money. It may be hoped that this Bill will be revived next session, and, if it is, the support of solicitors will not be wanting to its success.

It would be captious to complain that Lord St. Leonards, having introduced a valuable Bill, has not gone on to do something much more difficult. But as an example of the work on hand in the way of consolidation of the law, let us take this subject of judgments affecting land in the state to which it would be brought by the proposed amendment. There is the principal Act of 1 & 2 Vict. c. 110, extending the creditor's remedy to the whole of the debtor's lands instead of half, making the judgment a specific charge upon such lands, and establishing the registry of judgments. Then comes the 2 Vict. c. 11, requiring the re-registry of judgments after five years, and remitting purchasers without notice to the protection of the old law. Next we have the 3 & 4 Vict. c. 82, the framer of which, Lord St. Leonards thinks, could not have been aware of the Act of the previous year. By this statute it is declared that no judgment shall, by virtue of the 1 & 2 Vict. c. 110, affect any lands as to purchasers until it has been registered under the last-named Act, any notice to any such purchaser notwithstanding. Under this Act, therefore, so far as regards the effect given to judgments by the principal Act, the want of registration cannot be supplied by notice; and by the 18 Vict. c. 15, the same rule is laid down as regards the general effect of judgments. The Bill of Lord St. Leonards does not repeal any of these enactments, but leaves the system of registration apparently untouched, while it really destroys its efficacy. One Act says that a judgment duly registered shall charge lands. Another Act will say that this charge, as against purchasers, shall depend, not upon the judgment, but upon execution. It may well be questioned whether, supposing Lord St. Leonards' Bill to pass, there is any utility in keeping up the registry of judgments. It was intended, we apprehend, for the security of purchasers, and, according to the original design of the statute of 1 & 2 Vict., such a provision was very necessary. But the practice of conveyancing ought not to be encumbered by effete forms. The disputes of social philosophers should be decided before attempts are made at framing laws. But if the traces of conflicting ideas are to be allowed to appear in the statute-book while the strife is still dubious, the final triumph of either side should certainly be embodied in simple, self-consistent legislation. We think that a tolerable law of judgments affecting land might be constructed either upon the principle of Lord St. Leonards or upon that of his opponents, but the attempt to legislate upon both these principles simultaneously has involved practitioners in endless doubts and difficulties. The various Law Societies should urge Parliament next year, first to pass Lord St. Leonards' clause, and then to consolidate the Acts touching creditors' remedies against land.

THE WESTERN BANK CASE.

It is said that the liquidators of the Western Bank of Scotland have at last resolved to try the strength of the law against the board of directors. It is a matter of public concern in both countries to know whether the law of Scotland is capable of dealing with such cases as effectually as our own common law. For the purpose of a criminal prosecution there is little doubt that the wide generality of the Scotch offence of fraud makes it easier to obtain convictions in commercial cases than it is with us. The hitch in English proceedings generally arises from the difficulty of proving such concerted action as amounts to conspiracy. In Scotland no such difficulty exists, for the fraud itself, apart from combination to commit it, is recognised as a punishable offence. But the object of the shareholder is not so much vengeance as redress, and we believe that the proceedings contemplated will take the form of a civil action. It is to be presumed that the liquidators are acting on the best advice, but, unless the law of Scotland is more extensive in its reach than our own, there seems little chance of a favourable issue to a suit instituted on behalf of the whole body of shareholders. There is no analogy between such a proceeding and our last leading case of *Scott* v. *Dixon*. The basis of the claim against Mr. Dixon was, that the false reports to which he gave his sanction had led the plaintiff to invest in the shares of the Liverpool Borough Bank, and had entailed upon him a heavy liability. Nothing of the kind could have been alleged by the entire body of shareholders; for, however much they may have suffered from the mismanagement of the board, it could not be said of the original subscribers that they had been tempted by false representations to embark their fortunes and their credit in the concern. It has never yet been publicly alleged that the directors of the Western Bank actually plundered their shareholders, the extent of the charge being that they suffered the concern of which they were trustees to be grossly mismanaged, and enticed new victims into the trap by proclaiming a prosperity which did not exist, and declaring dividends that had not been earned. It is difficult to see how this conduct (supposing it to be conclusively proved, as it very likely will be,) can give a right of action to the shareholders as a body. The deception practised for the purpose of keeping up the market value of the shares was intended for the benefit, rather than the injury, of existing shareholders. That the policy has ultimately proved disastrous to directors and shareholders alike, would certainly not be a sufficient ground to support an action in an English court. If A. deceives B. with the intention of benefiting himself and C., the ill success of the plot does not give C. a right of action, whatever claim B. may have for redress. Indeed, it would be strange if shareholders, who have received enormous dividends to which they were not entitled, could make the declaration of those dividends a good cause of action against their directors. If the deceit alleged to have been practised will not sustain a suit, the only other ground on which the liquidators can rely will be the negligent or wilful mismanagement of the board. They were entrusted with the interests of their shareholders. By a policy which was neither wise nor honest they have involved the shareholders and themselves in a common ruin. Are they civilly responsible for all the loss? This is the question which is about to be brought before the Scottish Courts, and it is impossible not to see the extreme difficulty of establishing so sweeping a principle. We are severe enough upon trustees in this country, but in no case have directors been held bound to make good all the losses caused by bad management within the limits of their authority. A director who makes a personal profit out of his trust, is held liable with the utmost strictness; but mismanagement, however gross, if it falls short of an actual breach of trust, has never been considered to entitle a company to be reimbursed by the offending directors. Whether the law of Scotland is similar to our own in this respect,

or whether any stronger case on the facts can be made out than the public are yet aware of, remains to be proved by the result of the intended trial.

One effect of the activity of the liquidators will probably be, to discourage separate proceedings by individual shareholders, or classes of shareholders. The claim of those who bought in after the declaration of the last few 9 per cent. dividends is infinitely stronger than that which can be asserted by the other members of the company; but this separate interest will be merged, so far as the proceedings by the liquidators are concerned; and the important question, whether the principle of *Scott* v. *Dixon* will be recognised north of the Tweed, will not come before the Court. The broad doctrine, that a man who has deceived another to his hurt shall, at any rate, if the deceit be wilful, be answerable for the consequences, is founded on so obvious a view of natural justice, that it is difficult to believe that the law of Scotland, or of any other civilised country, can ignore it. If the mere speculative attempt of the liquidators should fail, the rights of the recent shareholders may still be urged; and, although their demand will probably be postponed until the larger claim has been adjudicated upon, it is not unlikely that, in one form or the other, the Western Bank affair will confer the only service which it can render to the community, by settling, once for all, the liabilities of directors, and defining, with some precision, the limits of risk and the hopes of redress for those who are bold enough to speculate in the shares of Scottish joint stock companies.

While the settlement of the law is the subject in which bystanders are chiefly interested, those who are unlucky enough to be more nearly concerned in the question about to be tried are still discussing the facts which will soon be ascertained with something like certainty in the course of the legal proceedings which are about to commence. A correspondent of the *Times*, who boldly comes forward to vindicate the Board, impugns everything which has been hitherto regarded as almost certain in the affairs of the unfortunate bank. Some of his assertions, indeed, are no more than we have assumed to be true in our observations on the law of the case. That the directors derived no especial benefit from their position; that they are immense losers; that their conduct was so far bonâ fide that they never meant to injure their constituents for the time being—may be admitted without disturbing the legal bearings of the case, as between the board and the shareholders who bought their shares at a premium, in consequence of the large, but, as it now proves, fictitious, dividends, which were declared from time to time. But the real position maintained in defence of the directors is one which is by no means self-evident—that the manager kept the directors in the dark, and that the board ought, therefore, not to be blamed or held responsible. Is it, or is it not, wilful misrepresentation for a board of directors to certify that certain profits have been earned without taking the trouble to ascertain the amount of the assets of the concern even within two or three millions sterling? Assuming that this amount of wilful ignorance is not itself enough to make directors liable for declaring a false dividend, is it credible that the board of the Western Bank really believed in their own representations of the solvency and increasing wealth of their company? If they did not, there is something more than negligence to be charged against them. It may or may not be Scotch law to hold a man liable for the consequences of a representation which he makes without knowing or caring whether it be true or not; but it surely must be law all the world over that a representation, made with the belief, or even with strong suspicion, that it is false, must give a right of action to those who are deceived, and were intended to be deceived by it. Under one or other of these categories the directors of the Western Bank must fall, and from the facts which have as yet been revealed few would hesitate to select the latter as the more reasonable opinion of their conduct.

Legal News.

NATIONAL ASSOCIATION FOR THE PROMOTION OF SOCIAL SCIENCE.

Friday, Oct. 15.

Lord JOHN RUSSELL presided.

Mr. A. SYMONDS read a paper, in which he sketched out a plan for the revision, collection, and indexing of our laws, and for their periodical promulgation in a uniform shape. He advocated the formation of a public office, with an organised staff, from which the public might obtain an authentic enunciation of the law affecting different classes. The paper was illustrated by diagrams and tables, showing the proposed form of a "Victoria Code."

Mr. F. T. SERJEANT read a paper on "The Reformation of the Statutes."

Mr. EDGAR, the secretary, read a paper by Mr. Edward Webster, intitled "Observations on the Law affecting Gifts inter Vivos." The paper concluded by a recommendation that the laws should be codified.

In the discussion which ensued Lord JOHN RUSSELL said, with reference to consolidation, that he had never expected much good from the present statute law commission, composed of men whose time was otherwise occupied, and their attendance consequently irregular. What was wanted was a small body of well-qualified persons, who would give continuous time and labour to the work, and act in unison. He condemned the plan, which this commission had followed, of embodying defects and anomalies in their consolidating Bills, and mentioned one Bill, in which, contrary to the advice of the draftsman, fourteen different punishments were laid down for the same class of offences. With regard to the mode of passing Consolidation Bills, when properly prepared, through Parliament, he was of opinion that some special session would be necessary for the purpose, so that the Legislature might devote its whole attention to the work. In his opinion, the time had arrived when the mode of passing Bills, whether public or private, should be subjected to a searching inquiry.

On the motion of Mr. TAYLOR, seconded by Mr. SERJEANT, it was resolved,—

"That it is the unanimous opinion of this department that a complete revision of the statutes is absolutely necessary, and that it should be the first duty of the Legislature to consolidate the laws of the country into an intelligible and comprehensive form; and that it is the further opinion of this department that this would best be effected by the appointment of a permanent commission, with an efficient staff of officers."

Mr. HERBERT BROOM read a paper on "Legal Education;" Mr. JOHN LOCKE, on "The Expediency of Facilitating the Sale and Transfer of Land;" and Mr. E. T. WAKEFIELD, on "The Transfer of Land."

In respect to this last paper, Lord BROUGHAM said, a change in the system of conveyancing was necessary, and recommended the adoption of the Cumberland system in respect of copyhold property.

Mr. R. A. MACFIE, in a paper on "The Law of Patents for Inventions," proposed that a patent, as soon as published, should be used by any subject of the Queen, provided he would pay a fee, to be determined between the parties or by arbitration.

Lord BROUGHAM thought it would be stifling all inventions by giving no reward whatever to inventors.

Mr. MACFIE then moved, and Mr. DANSON seconded, that the suggestions in the paper were especially worthy of consideration and attention, and referring the subject to the mercantile law committee.—The motion was agreed to.

Mr. W. MERRY read a paper, in which he pointed out that the petty juror, while he was hardly worked, had to suffer a pecuniary loss, because he was not paid even real expenses out of pocket.

Lord BROUGHAM said, the subject demanded attention.

The next paper, anonymous, read by Mr. EDGAR, the secretary, was, on "The Administration of the Law by Justices of the Peace." The writer commented upon the administration of the law by country justices, among whom, he admitted, there were excellent men; but that was not the result of the system, they were rather good magistrates among mountains of rubbish. As to borough justices, they were created by batches from among political partisans, generally innocent of all legal knowledge. He proposed a legal paid chairman of the court of

quarter sessions, a stipendiary magistrate for every borough and one stipendiary or more, if necessary, for counties; and concluded by expressing a hope that Lord Brougham would move in the reform of the law in respect of the "great unpaid."

Lord BROUGHAM thought it easier said than done.

A paper on "The Office of Coroner," by Mr. Henderson, was read by the secretary.

Saturday, Oct. 16.

Lord J. RUSSELL, who presided, read the Irish Lord Chancellor's address, which contained the following passages:—

"The place which has been assigned to jurisprudence furnishes conclusive testimony in favour of a separate and responsible department of administration for public justice. You are aware of the address to the Queen, which by the support I received from the president of this Association, was carried in 1857, by a unanimous resolution of the House of Commons, and to which a favourable reply was returned to the House; but there the movement ceased.

"It is of great consequence that our laws should bear the impress of the age in which we live, and be worthy of the public justice of a wise people. The progress of a people might be supposed to lead to the reduction rather than to the increase of their laws; but in meeting the demands of new combinations of society, and in adapting the ancient laws to the growing wants of an inventive age, a great work is to be done, not at any time under sudden pressure or impulse, but generously, efficiently, and responsibly. The present chaotic condition of our laws is a grave reproach. I do not mean that we have not good laws; on the contrary, I am satisfied that we have many, and in the last thirty years much has been done in law amendment; in the repeal of obsolete and apocryphal enactments; the improvement of judicial procedure, both by increasing the speed and reducing the cost of obtaining justice; in the establishment of local courts, and the awakening of public attention to the gradual improvement of our entire system of jurisprudence.

"In the last session an Act was passed for constituting in Ireland the Landed Estates Court. In the year 1849, under the auspices of our president, the Incumbered Estates Court was established. In 1852, the present Lord Justice of Appeal came to the conclusion that it was not only anomalous, but unjust, to withhold from a decretal title in the case of a sale of land under the order of the Court of Chancery, the conclusive character which had been given to a sale under the order of the Incumbered Estates Court. A Bill was subsequently introduced by the present Attorney-General for Ireland and myself to give effect to this opinion, and at last the recent Act of the Attorney-General for Ireland has provided a court in which every owner of land in Ireland may have his title certified and made indefeasible. An admirable code of procedure for working this court has been prepared, and I believe it will furnish a satisfactoty solution of the question how to simplify the transfer of land, with complete security of title, and without disturbing the settled foundations of property. This is a subject upon which we can now bring together the teaching of knowledge and the testimony of experience. We have tested the system now stereotyped in Ireland, and we have the report of the recent commission for England, which was presided over by Mr. Walpole, under whose superintendence and by whose assiduity the report was completed. In dealing with the laws of property in a country whose social system is consecrated to order and freedom, we must proceed with circumspection. It is easy to talk vaguely on dealing with broad acres as with merchandise. The practical solution is another matter. Lord St. Leonards, when he attended as a witness before a committee of the House of Commons, of which I was the chairman, was asked, 'Why cannot you deal with land as with railway shares?' 'So you may,' replied he, 'if you choose to ignore all the uses of land in our social system; but if these are to be preserved, the difference and the difficulty exist in the distinctive nature and use of the things compared.' In truth, the common course of society furnishes the most intelligible explanation. When industry or providence has accumulated capital, an investment in land is generally sought for the position and the privileges which belong to fixed property. Land has its local limits; it is not capable of extension. Commerce is co-extensive with the world. Land has its system of tenancies, its various easements, its subordinate estates and interests, its incumbrances and charges, its local duties which accompany its acquired rights. Its code of laws is more or less incorporated with the delicate arrangements of family life. Is there any subject which ought to be touched with a more cautious hand? Can we then preserve the settled uses of property, and yet provide liberally for the present exigencies of society—for the wants which arise out of the changes which naturally, if not necessarily, result from the increase of commerce and the growth of manufacturing industry? The Legislature has already conceded to railway companies the right to purchase land, and render their title indefeasible by lodging the purchase-money in a court of equity. The notoriety of the transaction and the supervision of the Court were supposed to be a sufficient security for the rights of persons not privy to the sale. Public convenience thus required, and the Legislature thus conceded, what has been called a parliamentary title. Again, in Ireland it became a matter of great public policy to have incumbered estates purchased by solvent proprietors, who might be expected to discharge the duties correlative with the rights of property, and therefore it was of great consequence in each case of a sale to clear the title and free the property from its charges. This led to the gradual formation of a procedure, by which titles were subjected to a sufficient scrutiny, to enable the final conveyance to be made with an indefeasible title, and this has been found to be as safe in practice as it was desirable in theory. The conveyance is simple in its form and conclusive in its essence. The actual working of the system was the subject of special inquiry before a commission of men of both countries, and afterwards before the select committee of the House of Commons in 1856, by both of which it was recommended that the principle and the procedure should be extended to the sale of unincumbered estates. One further step was needed—namely, to include the case of persons not seeking a present sale, but to whom it might be a benefit to obtain a judicial declaration of good title, which might be registered, and so made indefeasible. This step has at last been taken by the recent Act. This class of titles will be subjected to the same process of inquiry, and to the same publicity, as in the case of a sale; and although this was considered by some as a bold advance, yet, when it is remembered how the former Act was evaded in order to bring unincumbered properties within its operation, and thus obtain a benefit which adds about four years' purchase to the marketable price; when it must be admitted to be essentially unjust, and therefore impolitic, to depreciate to this extent property not actually in the market, but the owners of which may at any time have occasion to sell or to mortgage, when the delay in obtaining an indefeasible title might not only be inconvenient but injurious; and as evasions by colourable sales to trustees with secret trusts would be resorted to to bring cases within the letter of the Act; it may be now conceded that the straightforward course was the best, to include all within the plain provisions of the new law. By the imposition of a moderate duty, regulated according to a graduated scale, a fund will be realised, which, with the investment of other moneys that would otherwise be unproductive, will render this court not only a permanent boon to the landed interest, but a benefit instead of a burden to the Consolidated Fund.

"I come now to the consolidation and amendment of our criminal laws. Commission after commission has reported, select committees have inquired, a code has been digested, bills have been proposed—a succession of dissolving views before Parliament and the country. But I am bound to say that much has thus been done in preparing materials, which are now ready for the builder's use. A great work had been done by the late Sir Robert Peel in reducing to system the chaos of criminal law. His Acts for England were followed up by corresponding Acts for Ireland, with fewer variations. In thus dealing at this time with the reconstruction of the code of criminal law, we may test the practicability of further assimilation. It may become a question for Parliament to decide, authoritatively, in which form the work should be done to render it acceptable. Some contend for repeating in the new law all the jargon of the Old Bailey. Others suggest a new code, in the most exact but plain language. What was doubtful should be made clear; what was defective should be supplied; and for this purpose, we should turn to account authentic judicial decisions; we should use our best efforts to make the law consistent with the present state of opinion, and to have it expressed with grammatical accuracy, and as a model for the consolidation and amendment of the entire statute law. I am of this opinion, and am prepared to defend and to enforce it whenever called upon. It is time to be delivered from the bondage of such mischievous, because unjust, classification of crime as felony and misdemeanour, and all the kindred verbiages. Why should we have the most important differences in the procedure for the trial of a felony, which is in substance a misdemeanour, and of a misdemeanour, which is in substance a felony, if by these terms we designate the essence

of the crime? And if we do not, why is the obsolete and unjust distinction to be perpetuated? Instead of these let us have a sound and rational classification of punishments.

"If this question of classifying punishment were decided, and the appropriate class allocated to each specified crime—and if the work of consolidation and amendment would embody the conclusions of Parliament on the classification of crime and punishment, and the new law be framed after the manner I have suggested—I do not believe that the controversy on the new phraseology would in effect defeat the project. I think this is a libel on the Legislature, and I would add, that if this limited project could not be thus completed, I would altogether despair of any general assimilation of the law of England and Ireland, and of any amendment of the statute law of either country, that would satisfy public expectation, or be in any sense worthy of the occasion. But I am not disposed to take a desponding view of a work which has become national.

"We have had of late years a very great improvement, wisely though tardily effected, in the procedure of the superior courts of law and equity. It is, doubtless, easier and safer to remodel the remedies which a system of laws admits, than to interfere with the rights which it confers. This species of reform comes into speedy and general operation without disturbance or confusion. About fifteen years ago, when I was arguing a case at the bar of the House of Lords, in speaking of a decision of the then Lord Chancellor of Ireland, I said it was made in the hurry of the Court of Chancery. Lord Brougham replied, "We never talk of the speed of a broad-wheeled waggon." At present how great is the change! Properties which, under the old system, must have been devoured by the delay and the expense of a cumbrous, stall-fed system, may now be administered without delay, and at moderate cost. This most beneficial change is not matured as I could wish it to be, for I confess I heartily desire to see the High Court of Chancery worthy of being regarded as the inner shrine of the sacred temple of public justice, and not the bye-word for costly, vexatious, and ruinous litigation. The blind idolatry of technical procedure roused that zeal which smashed the ancient tables of the law, and has ended in the destruction of the idols and the renovation of our judicial system. We are at present dealing in each country with an improved but distinct system of procedure. That such a distinction should be permanent cannot be rationally contended. I look forward, therefore, with hope, that, at an early day, we may frankly compare notes, and construct one system, in which we may thenceforward have a common interest, and which, I trust, may soon be watched over by a department common to both countries.

"Another subject connected with the improvement of jurisprudence is legal education. Improved procedure—amended laws—much to be valued though they be, yet if we do not secure the moral elevation, the trained capacity, and the love of justice in those who are to administer these laws, we deprive them of their living power, and they take no root in the respect and the affections of the people. Why should not the law be dealt with as other professions? Why should not the proper qualification be required, and the suitable education made compulsory, in order to obtain the status of a barrister? And when obtained, why should preferments be set apart for the barrister of six years standing, or any longer period of more seasoned incompetence? In the several inquiries on education, and the commission on the inns of court, there will be found a concurrent testimony in favour of laying the foundation of a good liberal education before the work of special instruction should begin. This instruction is not education; and without education, it is but handicraft. It is our interest, not less than our duty, to educate a man for his own sake, as an accountable being; and the more complete this education, the more certain the success of special and subsequent instruction. If, then, the progress of education were ascertained by periodic tests; if university degrees were made a plain reality, and not a pompous fiction; if the inns of court would (as I have reason to believe they will) secure the required qualification before they admit to practice; and if the policy of the public service were such as to encourage and reward merit, doing justice to those who devote themselves to the administration of justice—then might we reasonably expect to have men worthy of that profession which has given to the country its Hale and its Somers, with Holt and Mansfield, with Bushe and Plunket. The country is deeply interested in surrounding the profession with all the security which can be afforded by liberal education and enlightened policy. On the moral results may much depend the pure and impartial administration of justice; and with this are bound up the order, the freedom, and the maintenance of civil society.

"It is not, then, without reason that jurisprudence has been placed at the head of the sections of this association. Why should not it also have a separate and principal department of administration? How otherwise can we make timely use of the practical suggestions which come from those who work the laws? The suit between A. B. and C. D. involves a decision in which the public is a party interested. But there is no public provision made for an authentic report of such a decision. If there were a department of council with the Chancellor at its head, and, under this, a secretary for the affairs of justice, with a seat in the House of Commons, and a staff sufficient to enable this department to supervise the administration of public justice of the United Kingdom, with a view to the amendment of the law, and the exigencies of public justice, there would be, to use the words of the late Lord Langdale, a very busy and most valuable department. And, if the Legislature might require the occasional assistance of such a department in aid of current legislation, it might be given without interfering with the constitutional freedom and accustomed privilege of any member of either house of Parliament. Nor is there a session in which examples of imperfect or erroneous enactments could not be found, to prove the need of some such protector of the public, who suffer frequent injustice under the present system. Law is a rule of present obligation, and the statute book should therefore be cleared of all that is not now proper to bind this generation. Some laws have been but the scaffolding of our social system; the removal of such cannot weaken the foundation or shake the superstructure. Others have lost the sanction of public opinion, and a law which cannot be enforced without offending public feeling ought not to be retained. Again, there are laws which are now happily surpassed by the improved intelligence and moral convictions of society, laws which may have aggravated the evils which they were called on to remove, for these could only yield to higher influences; moral evils properly require moral remedies. Thus is there a great work of reconstruction, in which we are called upon to proceed as wise master-builders, with the caution of men who profess to honour jurisprudence as the chief department of social science. It is in this spirit—thus led by the hand, with an honest desire of keeping pace with the progress of opinion—that I advise the formation of a department of jurisprudence like that of education."

COUNTY COURT JUSTICE.

The following letter has been addressed to the Editor of the *Daily Telegraph*,

"Sir,—If county courts are really a boon to the country, they are also frequently the source of great injustice to litigants. Pleasant retreats for barristers of small practice and slight acquaintance with common law; our boasted leges Anglie are there hashed, and spiced, and served up in every variety, according to the taste and skill of the presiding genius. No suitor can possibly guess what measure is likely to be dealt him, unless he is intimately acquainted, not with the law as administered at Westminster, but with the peculiar idiosyncrasy of Mr. Sneer or Mr. Bellow in their own private domains. In causes of small amount there is no appeal from the judgment of these Daniels; and you may readily conceive, when 150 cases have to be got rid of in one short day, in order that his Honour may spend the next in the stubble among still smaller game, what havoc is committed among the covey of litigants. A puisne judge upsetting summonses and attorneys' clerks at chambers, a mad rhinoceros rushing through a sugar-cane brake, are feeble images of the impetuous charge of Messrs. Sneer and Bellow through their 150 causes. How they hack and hew both law and justice is a caution to the trembling sinners at the judgment seat.

"I was lately present at one of these 'battues' in an unenviable character, and afforded some sport, having literally been made game of.

"In 1853 a plumber charged me 18*l.* 14*s.* 1*d.* for a lead pipe (which ought to have been one of glazed tile, but plumbers think there is nothing like lead), and asked for his money at the time he presented his bill. I objected that the charges seemed excessive; but, as he was in want of money, I gave him £10, and said I would not pay any more until I had examined into the account. Having discovered that I was cheated by being charged for upwards of ten feet more lead than was actually supplied, besides being required to pay for other items some three or four pounds beyond the usual price, and for labour which had not been bestowed (his workmanship, moreover, having been so defective that I was obliged to pay another mechanic upwards of £3 to make it good), I left at his house

£7 more in full satisfaction, stating that I would pay nothing further, but would sue him (were it not for the trouble) for the amount I had paid to make good his deficiencies. During the last five years he has amused himself with making faces at me whenever we met in the road; but in a sudden fit of exasperation he lately took out a summons against me for the old balance of 1*l.* 14*s.* 1*d.* in the legal threshing-machine at Romford, in Bœotian Essex.

"Thither I repaired, accompanied by my three witnesses, fully prepared to prove my case.

"After keeping us humbly waiting until half-past eleven his Honour then entered the court. Dozens of cases were decided with very small trouble to witnesses. In some of them collecting agents appeared for the plaintiffs, who did not attend in person. The mere production of the account seemed to suffice, even where the defendant deposed on oath that he had paid either the whole or part of the claim.

"In happy accordance with the general looseness of the court, the windows of the building refuse to close satisfactorily. The equinoctial gales rush howling through the dreary scene, mingling with the despairing cries of defendants appealing to be heard. A carpenter, with his ladder, was introduced, who vainly tried to patch up the crazy domicile of justice.

"When my turn came, the plaintiff handed up his bill.

"His Honour: Was any objection ever made to this account? —Plaintiff: Never, your Honour's Worship, until last August.

"Defendant: Why, I have always refused to pay this balance.

"His Honour: Silence, sir! You are here given credit for ten pounds. When you paid that sum did you object to the workmanship?

Defendant: I objected to the excessive charges, and refused to pay the full demand. The defective workmanship was not obvious until later.

"His Honour: Your duty was to have sent for this man, and given him the chance of rectifying his defects. Had you disputed his bill you would have proposed a reference to a third party. But you did not do so, therefore you adopted his account, and you ought to have paid the balance long ago. Don't interrupt me, sir. Judgment for plaintiff, 1*l.* 14*s.* 1*d.*; costs of course.

"Defendant: But, sir, I have always refused to pay this balance, for five years and upwards. My witnesses are here to prove that I have already paid nearly £5 too much; that I am cheated by being charged for ten feet of lead never supplied. Will you not hear my witnesses? I ask you, sir, to hear my case.

"His Honour: Don't stand holloaing there. Call on plaint 650.

"This is a literal report of the case.

"Some judges strive to emulate Lord Thurlow and Judge Buller in those qualities only which are easiest of attainment.

"So the case was decided by virtue of his Honour's natural lights. Evidence was not permitted on either side, and credit will therefore, no doubt, be taken for impartiality.

"But I asked to have my witnesses heard Even at Naples this demand would have been conceded. Even a Turkish cadi condescends to make some inquiry into the facts.

"Having myself, in a distant colony, and not without commendation, for five years presided over a court similar to this only in its constitution, I know at least how its business ought to be conducted. Let us hope that hereafter the hapless rustics may receive their modicum of law tempered with a little courtesy, and be allowed to retire with feelings, not perhaps of conviction, but at least of respect.

"25, Eastcheap. "E. W. Landor."

COSTS IN CRIMINAL PROSECUTIONS.

At the Bury St. Edmunds Quarter Sessions, held on the 25th inst., James Burroughes was charged with stealing a coat, the property of Messrs. Munnings & Clarence, outfitters, Angelhill, in that town. The prisoner pleaded Not Guilty.

The Recorder inquired if any one had been instructed to prosecute, and received an answer in the negative.

The Clerk of the Peace said, he was not surprised at attorneys not attending. If an attorney came into court the Treasury allowed him one guinea, and if he required a copy of the depositions, he could only obtain it by paying 10*s.* for it out of the small fee he was allowed for attending here.

The Recorder said, that there was a very respectable society of solicitors, and they ought to make it a matter between themselves and the Government. What was the use of bringing the profession there; shortly they would have no bar.

The Clerk of the Peace.—And shortly no witnesses. The witnesses are greatly dissatisfied with their allowance, and there is great difficulty in getting them to coms forward.

The Recorder.—With that I have nothing to do; it can be remedied in the proper constitutional way. I believe the scale is under revision at present.

Mr. J. H. Mills, as senior member of the bar, wished to mention that the course adopted in every case when an attorney did not appear was to hand the depositions over to counsel.

The Recorder said, one branch of the profession was to instruct the other, and if they lost sight of that, either one or other of the branches might seek to combine the two.

Mr. J. H. Mills said, that by the settled scale of fees the allowance to counsel was 1*l.* 3*s.* 6*d.*, and 1*l.* 1*s.* to the attorney.

The Clerk of the Peace did not think an attorney would come here for a day if he was only allowed a guinea, and had to prepare the brief and pay 10*s.* 6*d.* for depositions.

The Recorder had no doubt there were some gentlemen so prosperous that they would not seek that branch of business, nor could they expect the Attorney-General to come down here; but there were many who would take these cases for the practice, not for the money which they received from them.

The case then proceeded.

PROFESSIONAL PRIVILEGES AT SESSIONS.

The memorial which we print below has been recently presented by Mr. Sharp and Mr. Holden, of Lancaster, as a deputation from the Lancaster Law Association to the county and borough magistrates. The grievance complained of is the practice of the magistrates to permit salaried clerks to appear as advocates. To this the qualified practitioners objected, and the difference was lately brought to a crisis by the opposing attorney declining to proceed with a cause in which the magistrates permitted a clerk to appear on the other side. On the memorial being presented,

The Chairman thought the question had better stand over until a special meeting of the magistrates was convened for the purpose of taking the subject into consideration. The question was a most important one, and should be considered by the magistrates collectively as a body, for it would not promote the ends of justice if one course was adopted by one bench of magistrates, and a contrary one by another.

It was ultimately agreed that a special meeting of magistrates should be summoned for that day fortnight.

The following is a copy of the memorial in question:—

To Her Majesty's Justices of the Peace for the Borough of Lancaster.

The respectful memorial of the Lancaster Law Association,

Showeth,—That your memorialists have observed with apprehension and regret that persons other than members of the bar, or those who are duly admitted and certificated to practise the profession of an attorney, are permitted to advocate cases in your court.

That while your memorialists disclaim any intention of offering a single remark which may be construed as an offence, or be considered an intrusion on your undoubted right to regulate the practice of your Court, in such particulars as the law has not already provided for, as you shall see fit, they are strongly impressed with the conviction that they would be wanting in the performance of their duty, not only to their profession, whose interests in Lancaster are in an especial manner under their care, but also to the public, if they did not call your attention to this matter, which they conceive not only affects the rights of the profession to which they feel it an honour to belong, but also the due and satisfactory administration of justice.

They believe that in order to obtain for the administration of the law the respect and confidence of the people, properly trained and qualified advocates are next in importance to competent and impartial judges.

They beg most distinctly to state that this memorial is not dictated by any narrow or selfish consideration for the pecuniary interests of their profession, for it must be well known to you that by far the larger number of practising attorneys in Lancaster never, or very seldom, appear as advocates in the courts of petty session. They believe that great public advantage will be found if advocacy in that court be confined to trained and educated advocates, and that the ends of justice are materially promoted by a recognised class of advocates of undoubted social position, and who are capable of feeling equally with the bench the responsibility which attaches to everyone engaged in the administration of the laws of this great and enlightened country.

They venture, in support of this opinion, to remind you that in the highest courts of judicature the value of such assistance from advocates has been fully and readily, may they not say, thankfully, acknowledged by the most learned judges who have shed the lustre of their great attainments upon the administration of the laws. They may be permitted to quote, in support of this assertion, an extract from the eloquent and affecting address of Mr. Justice Coleridge, on his retirement from the bench in June last. That most esteemed and learned judge, after referring to the misgivings with which he, an accomplished lawyer and scholar, entered upon his judicial career, says:—"I was told favourable hopes were entertained of me, but I knew well how imperfect was my experience. False modesty would be out of place now, but, I believe, there are few men to whom the judge's office does not present difficulties. I felt them then, and I feel them now, but both at first and at last I felt that I could rely on the learning, industry, and ability of the bar. Nothing more lightened my labours than their uniform kindness. I very early learned that if a judge would be simple and patient, candid and considerate, and without respect of persons, he would reach every honest heart, and would be certain of such encouragement and co-operation from the bar as would lessen his difficulties and strengthen him to overcome them." The testimony of such a judge,

after an eminent judicial career of twenty-three years, to the value and importance of the vocation of an advocate, seems unanswerable.

Your memorialists venture further to suggest that the responsibility under which an attorney always acts as regards the surveillance and scrutiny of the Courts in Westminster Hall, and which makes him alone amenable to censure or suspension from, or even deprivation of, his office, in every case of misconduct in the performance of his duty (to which an advocate not so qualified is not amenable) forms at once a safeguard and supplies a cogent motive (if higher and better inducements should be wanting) to the honourable, upright, candid, and careful discharge of his duty.

They further respectfully call your attention to the fact, that wherever the Legislature gives to parties the right of appearing other than personally, it prescribes that such appearance shall be "by counsel or attorney," and where no such right of appearance is given, it seems but a just inference that the permission of the Court so to appear should be confined to those whom the Legislature marks out as best fitted satisfactorily to discharge the duties which pertain to such an appearance.

Your memorialists would also respectfully remind you that your own course of action in regulating the advocacy in your own courts of quarter session is entirely consistent with the opinion expressed herein. In those courts (although they are not aware of any law which prevents an attorney, or any other person, from appearing as advocate therein) advocacy, for obvious reasons (of which, so far from complaining, your memorialists approve), is confined to members of the bar; in fact, every court of law ought to have its recognised class of advocates, and the strictness with which this regulation is acted upon and enforced in the higher legal tribunals of this country is the strongest testimony to its wisdom and its value.

Your memorialists take the liberty of mentioning, as not altogether to be excluded from consideration, although they are indisposed to urge it beyond its fair and reasonable limits, that the education and admission to the profession of an attorney is not attained without a long period of probation and considerable pecuniary outlay. He serves not less than five years under articles of clerkship; he completes his education in London, often on that account continuing in statu pupilari for nearly seven years; he pays usually a large premium to his master, a heavy stamp-duty upon his articles of clerkship, a considerable stamp-duty on his admission; besides the fees, he pays for the important, and now almost indispensable, privilege of perfecting his education in the chambers of a conveyancer, equity draughtsman, and pleader; and to those other fiscal burdens which he bears in common with his fellow-citizens, he bears an additional tax of an annual certificate-duty—a tax which successive Chancellors of the Exchequer have admitted to be an unfair and unjust burden upon him, and which they have declared ought to be totally repealed, if the finances of the country could afford the repeal.

Your memorialists therefore feel, that even upon this very narrow, and what may be called interested view of his position, he who has not borne and does not bear the fiscal and other pecuniary burdens which are peculiarly incident to the attorney, is not upon slight or insufficient grounds to be brought into immediate and direct competition with him in a sphere which your memorialists believe that the Legislature, public policy, and the due promotion and administration of public justice, point out as peculiarly within the attorney's province.

Your memorialists, therefore, pray that none but the parties themselves, or their counsel or attorney, may be permitted to advocate cases in your court.

And your memorialists will ever pray.

Signed on behalf of, and by direction of, a meeting of the Lancaster Law Association, specially convened to consider the subject of this memorial.

Lancaster, 10th October, 1858. GEO. WM. MAXSTED, Chairman.

The Law Students' Debating Society have presented a counter memorial to the borough bench, praying that they may be permitted to appear before the local tribunals as at present.

In his address to the grand jury of the Hull Borough Sessions, Mr. Warren, Q.C., the recorder, introduced the following remarks:—

"Before printing was invented, the king, at the end of every session of Parliament, sent a copy of all the Acts passed during that session to the sheriff of every county, with injunctions in a writ, in the king's name and under the great seal, to proclaim them, and every part of them, as publicly as possible. This was done at the county court, where the copy was preserved for every one to refer to and copy, and this custom prevailed down to the reign of Henry VII. At this day Acts of the Legislature are printed, and sold at as small a charge as is practicable. But even now how many are aware of two small statutes passed in July and August last, one of which makes the fraudulently obtaining a man's signature to a bill of exchange or promissory note, or any valuable security, a misdemeanour, punishable with penal servitude for four years? and of another which makes tampering with the crossing of a cheque a felony punishable with transportation for life as a forgery? Therefore I think it a high function of those charged with administering the law, to seize every opportunity of explaining the main features of new laws, and by so doing put people on the scent of what concerns them. During the last session of Parliament many new laws were made. An Act of immense importance, with reference to Ireland, has become of greater importance, from its foreshadowing the adoption of a similar Act in this country. I allude to the statute constituting "The Landed Estates Court, Ireland," a permanent tribunal established for facilitating the sale and transfer of land in Ireland, whether it shall be incumbered or not. An owner of land in fee in Ireland may now submit his title to the investigation of that Court, which may give him a judicial declaration, conclusive and indefeasible against all the world, of his having a good and sufficient title, for the purpose of dealing with the property as he may require. And, when it is sought to sell an estate, the vendor or the vendee may, in like manner, apply to the Court for an indefeasible title, and a statutable conveyance of it, and an order for specific performance of the contract at the instance of either party. This amounts, as affecting the legal profession, to a sort of revolution. It supersedes the system of conveyancing; most seriously affecting the interests of practitioners, but conferring on the public such benefits as, I think, ought to be extended to England, and will, doubtless, be very shortly. The general administration of justice has been improved by several important Acts. One of them gives the Courts of Chancery powers hitherto wielded by common law courts alone—enabling them even to award damages for the breach of any kind of contract, and to examine witnesses vivâ voce, on oath, even before juries. As for the county courts, the inconvenient inequalities at present existing in these various districts can now from time to time be rectified by the Lord Chancellor, who can make corresponding changes in the position and duties of the judges, but without increasing them beyond the existing number of sixty. The jurisdiction of these popular tribunals is further extended, for instance, to actions for damages sought to be recovered for pirating copyright in designs. Stipendiary magistrates are now authorised to do all acts which various statutes empower the justices to do; but the Act is expressly declared not to affect the jurisdiction of quarter or special sessions, or the granting and transfer of licenses. Some of you may recollect my briefly explaining the Settled Estates Act, 1853. It has since been in full operation, and its provisions improved by an Act of the last session. All interested, as either lords or tenants, in copyhold property, will be glad that new assaults have been made on that anomalous tenure, before which it must fall. Either the lord or the tenant may now compel enfranchisement, and the Act came into operation on the first day of the present month. Our commercial jurisprudence has been affected by four Acts—at two of which I have already glanced. By one of those two Acts, if you cross your cheque with two transverse lines, with the words 'and company,' or any abbreviation thereof—or if you write across it a banker's name—you render that crossing or writing an integral part of the instrument, materially affecting the position of drawers, holders, and bankers; and if any one obliterate, add to, or alter it, or offer, utter, dispose, or put it off, with intent to defraud, he is declared guilty of felony, punishable with transportation for life. As to this last particular, however, the Legislature appears to have forgotten that it had just enacted, as I explained here last year, that 'no person should thereafter be sentenced to transportation.' The offender is, however, liable, in the alternative, to the punishment enacted for those guilty of forging bills of exchange. The other deals with the offence of obtaining, by any false pretence, with intent to defraud, another person's signature to a bill or note, or valuable security. This is now a misdemeanour punishable with four years of penal servitude, or such other punishment, by both fine and imprisonment, or by either, as the Court shall award. It would seem as if our Joint Stock Company law were never to be in a settled state, every session seeing changes effected in the most elaborate Acts of former sessions. By one just passed, a very material clause in one of the preceding sessions is repealed, and now joint stock banking companies may be formed on the principle of limited liability—except so far as regards the issuing of bank-notes. As to them, such joint stock banking companies continue subject to unlimited liability. A second Act of last session relates to joint stock companies, and amends two similar ones which had been passed in the immediately preceding two years. This last Act, which ought to be familiar to every member of a mercantile community, places the winding-up, whether voluntary or compulsory, of these companies on a much better footing than before. It enables the Court 'to have regard to the wishes of the majority in number and value of the creditors.' The Court has now greatly extended powers for protecting the property from being squandered in reckless litigation; appointing additional liquidators; enforcing the payment of calls by contributories; and the Act enables the Court, of its own motion, or at the instance of any person interested in the matter, to order the prosecution of either any present, or any past director, manager, public officer, or member of the company deemed liable to it. There yet remain three additions to our statute-book of general importance. The first makes available evidence in courts of justice, a great number of non-parochial registers of births, baptisms, and deaths, burials and marriages, in the case of various denominations of Dissenters.

The second provides beforehand for the preservation of important but perishing evidence, in questions of legitimacy, as to the marriage of parents and other ancestors, and the right to be deemed natural-born subjects. All these matters may now form the subject of authoritative judicial declaration by the Court of Divorce and Matrimonial Causes. The last Act amends the recent statute relating to friendly societies; and especially enacts that henceforth no money shall be paid by these societies on the death of a child without the production of a certificate, signed by a qualified medical practitioner, stating the probable cause of the death of the child."

F. A. Carrington, Esq., of the Oxford Circuit, has been appointed to the recordership of Wokingham, vacant by the resignation of Mr. George Clive, M.P.

To prevent an undue pressure of Nisi Prius business at the Liverpool Spring Assizes of 1859, civil causes will be taken at the approaching winter assizes.

The Lord Chancellor will receive the judges, Queen's counsel, &c., at Eaton-square, on November 2, the first day of Michaelmas term, at 12 o'clock.

On the 27th inst., Simmonds, a coach-builder, of Sevenoaks, applied before Mr Commissioner Fonblanque for his certificate. The assets exceeded the liabilities. The man had been in a lunatic asylum, and his affairs having got into confusion, it was thought necessary to have the estate wound up in this manner. —A first-class certificate was granted.

One hundred and thirty-four articled clerks have given notice of their intention to be admitted attorneys next term, in addition to a number standing over from Easter and Trinity Terms.

The Chancery offices re-opened yesterday after the long vacation. The number of causes in the Courts of Chancery is 339, and before the common law courts there are only 65 rules, including demurrers, in the paper. Before the Lord Justices there are 33 causes; before Vice-Chancellor Wood, 115; before Vice-Chancellor Stuart, 83; before Vice-Chancellor Kindersley, 36; and before the Master of the Rolls, 72. In the common law courts there are 16 rules in the Queen's Bench; 32 in the Common Pleas; and 17 in the Exchequer. Being Michaelmas term, the appeals from the Revising Barristers' Courts will be heard in the Court of Common Pleas.

The Commissioners (Mr. Edward Litton, Senior Master of the Irish Court of Chancery, Mr. Henry Daley, and Mr. Wilmot Seton, of the Treasury-office, London) appointed to inquire into the nature and extent of the duties of the several officers of the Court of Chancery in Ireland, and the fees or emoluments payable to them, and as to whether any and what alterations should be made therein, held their first sitting in the chamber of the Lord Chancellor's secretary, Four Courts, at Dublin, on Friday, 22nd inst. The inquiry is to be conducted with closed doors.

In America the laws of divorce are almost as numerous and diverse as there are states; this may be seen by the following statement:—1. In the States of Georgia, Alabama, and Mississippi, two-thirds of the Legislature must concur with the decision of the Court to make a divorce. 2. In Delaware, Maryland, Virginia, South Carolina, Louisiana, and Missouri, no divorce can be granted but by special Act of Legislature; and South Carolina has never granted a divorce. 3. In the States of Connecticut, Ohio, and Illinois, all divorces are total. 4. In Massachusetts, New York, and North Carolina, nothing but adultery is cause of divorce. 5. In Illinois, two years' absence only is a cause of divorce. 6. In Indiana, we believe, anything is a cause, in the discretion of the Court.—*Cincinnati Gazette.*

Legislation of the Year.

21 & 22 VICTORIÆ, 1857-8.—(*Continued.*)

CAP. XCV.—*An Act to amend the Act of the* 20 *&* 21 *Vict. c.* 77.

It reflects credit upon the framers of the Probate Act of 1857, that the amending Act now passed, after a few months experience of the actual working of the new system, contains so little compared with what might reasonably have been expected. A change so radical in a very complicated branch of the law might have excusably been inaugurated at the expense of somewhat serious mistakes. These, however, do not seem to have been committed; a happy result, partly, no doubt, owing to the elastic character of "Rules and Orders," and partly, also, to the acuteness, tact, and industry of the Judge Ordinary. Still, it would be unjust to deny that, if the statute itself had not been remarkably well conceived and framed by artists perfectly acquainted with their subject, the new system would have failed to have earned that general approbation which is now expressed, we believe, by all who have observed its working.

To return to the Act immediately under discussion, it is one chiefly of detail; and of its numerous provisions the following is some account:—

First, then, appear a group of nine clauses affecting the constitution of the Court itself, and of those who practise therein. By these, the judge of the High Court of Admiralty, and the judge of the Probate Court (until those two offices are united in the person of one individual, as provided for in ss. 10—12 of the Act of 1857), are enabled to sit for each other. The judge of the Court of Probate, moreover, is enabled to hear any such matters *at chambers* as can, in his opinion, be so despatched with advantage to the suitors, and which shall not involve the determination of any question required by either party to be heard in open court. Here too we meet with a provision that all serjeants and barristers may practise in "all causes and matters whatsoever in the Court of Probate," whereas, by the 40th section of the Act of 1857, their right so to practise had, either through the carelessness of those in charge of the Bill, or the craft of some designing person, been confined to such matters and causes in the Court as were "contentious," though on the other hand advocates were not so restricted. It is understood that the profession owes the reform of this injustice to Mr. Warren, whose claims to the gratitude of his brethren in this behalf it is only common justice thus to place on record. With the other clauses of this group, the general public is but little concerned. They authorise the appointment of a fourth registrar to the principal registry of the Court, and regulate the appointment and salaries of these functionaries. The attention of our readers should, however, be directed to the 9th section. By this, the judge may admit to be a proctor of the court any person who, when the Act of 1857 passed, was articled to a proctor. Such persons will not, it will be observed, come within the benefit of the clause in that Act (s. 44), which allows proctors to be admitted solicitors without stamp duty or other charge—that clause having been confined to those who were practising as proctors at the date of the Act. The present provision seems to have been suggested by a defect in the 44th section of the Act of 1857, which, in allowing proctors' clerks eventually to be admitted solicitors on certain conditions, omitted to provide for their becoming proctors of the Court of Probate.

We next arrive at a group of provisions (ss. 10—13) bearing on the ancillary jurisdiction of the county courts to the Court of Probate. For the future the facts necessary to give the district county court judge jurisdiction are to be established to the satisfaction of the registrar of the principal registry; and, on the other hand, the affidavit of *any* one acquainted with such facts (whether he be the applicant for probate, &c., or not) will suffice. Again, by the Act of 1857, application for probate or administration may, if preferred, be made in all cases through the principal registry, though (if the case should prove to be one giving contentious jurisdiction to the judge of the district county court) the cause may be remitted to him from the Court of Probate. These provisions are, by the Act under discussion, extended to applications for the *revocation*, also, of probate or administration.

The next provision (s. 15) which requires specific notice, is one that has been inserted to meet the difficulty which arose in *Young* v. *Ozley* (1 Swab. & Trist. 23). There it was considered doubtful to what extent (if any) an "administration bond," given before the Act of 1857, enured to the benefit of the Judge Ordinary. This difficulty has now been removed, by an express declaration that such bonds may be put in force as if they had been given to the judge of the Probate Court subsequently to the 11th January, 1858—the day on which the Probate Act of 1857 came into operation.

Sects. 16—20 deal with certain points in the law as to personal representatives. An executor who dies without having taken probate, or who, having been cited to take probate, makes default in appearance thereto, is now declared to lose all rights whatever in respect of the executorship without any further renunciation. It is not said expressly that all *liabilities* of such executor shall terminate in like manner, but this result is probably intended.

The 18th section is intended to meet the application made in *Re Robert Cooper* (1 Swab & Trist. 67), for a grant of administration to a residuary legatee, though *probate* had been already granted to a person beyond the jurisdiction of the Court.

This state of things had already been partially provided for by 38 Geo. 3, c. 87, and the 79th section of the Act of 1857, but in reference only to intended proceedings in Chancery. This inconvenient limitation is now removed.

By s. 19, the personal estate and effects of persons dying intestate are, during the interval which elapses between the death and the grant of administration, vested in the judge of the Probate Court for] the time being. Formerly, they vested in the "ordinary," though after grant the title of the administrator related backwards to the time of death, so as to enable him to sue on causes of action arising out of contracts made during the interval (see *Foster* v. *Bates*, 12 M. & W. 226, and other cases). It is presumed that it is not intended to interfere in any way with this doctrine.

After some clauses with respect to second and subsequent grants of probate or administration, and as to requiring security from receivers of real estate and some other matters, affecting chiefly the routine course of the Court, we come (ss. 30—32) to very necessary provisions (unaccountably omitted in the Act of 1857), by which the judge of the Court of Probate is authorised to appoint solicitors in the Isle of Man and Channel Islands, commissioners to administer oaths and take declarations or affirmations; and which allow affidavits, declarations, and affirmations (to be used in the Court of Probate) to be sworn, declared, or affirmed in foreign parts, out of her Majesty's dominions, before the persons empowered to administer oaths, under 6 Geo. 4, c. 87, or 18 & 19 Vict. c. 42; or, in places where there are no such persons, then before any foreign local magistrate or other person with authority to administer an oath. The only remaining clauses of the Act which it seems necessary to mention are, the 33rd and 34th, by which the forgery of seals or documents of the Court of Probate is expressly made felony, and punishable with penal servitude or imprisonment; and by which any person who wilfully gives false evidence before a surrogate is expressly made liable to the penalties and consequences of perjury.

CAP. XCVII.—*An Act for vesting in the Privy Council certain Powers for the Protection of the Public Health.*

This Act is named "The Public Health Act, 1858," and its existence is limited to the 1st August, 1859—the usual addition, "and thenceforth to the end of the then next session of Parliament," having been in the present instance omitted. Its general object is fairly described by its fuller title as above printed, and the occasion for its passing arose thus:—By the 20 & 21 Vict. c. 38, the "General Board of Health," which had been called into a tentative existence by the Public Health Act, 1848, stood continued till the 1st of September in the present year. That body itself it was not intended further to continue, but to allow its powers silently to cease; the subject of local sanitary improvement and regulation being about to be re-committed to the local authorities. Still it was necessary to provide for the continuance in an active state, of certain functions hitherto exercised by the General Board of Health, and the course adopted was by a substantive statute (viz. that under discussion), to transfer these functions to the Privy Council; a body to whom a certain jurisdiction in matters connected with the Public Health has been for some time entrusted. The chief duties formerly exercised by the General Board of Health, which had thus to be transferred, were those thrown upon it by the Diseases Prevention Act, 1855 (18 & 19 Vict. c. 116). By that Act, power was given to three of the Privy Council (the President or one of the Secretaries of State being one), to direct that the provisions thereof should be put in force, if any part of England should become threatened by any formidable epidemic, endemic, or contagious disease; but the Act being set in motion (as regarded England, or part thereof), the subsequent directions and regulations for carrying it out issued from and according to the discretion of the General Board of Health. The 1st section of the Act under discussion alters this, by giving the Privy Council power, not only to direct the Act to be put in force, but to issue and carry out the directions and regulations necessary to enforce their order. It may be observed that the effect of s. 5 of the Act of 1855, taken in connection with the 7th section of the Act under discussion, would seem to be that the "Vice-President of the Committee of the Privy Council on Education" must necessarily be one of the three lords, by whose authority the regulations must issue, though not necessarily one of those by whom the Diseases Prevention Act is put in force in any particular district.

The subject of vaccination is also dealt with in the Act under discussion. It had already been touched in an earlier Act of the session,* and, as we observed in our account of that statute, there are grave objections to the practice of separating clauses upon the same branch of the law not only from each other, but from the general subject matter of the statutes in which they are inserted. The 2nd and the 8th sections of the Act under discussion, then, refer to the system of public vaccination established by 16 & 17 Vict. c. 100. By the former of these, the Privy Council are to see that properly qualified vaccinators are contracted with, and that they efficiently perform their duties; and, also, to the application of any Parliamentary grant for this national object: and by the latter, the proceedings for penalties under the Vaccination Act are regulated. Such proceedings may henceforth be taken on the complaint of any registrar, public vaccinator, or officer authorised by the guardians or overseers, and their costs defrayed out of the common or parochial fund.

Besides these provisions, and some respecting the "medical officer" (a functionary to be appointed by the Privy Council for their information with regard to matters concerning the public health), the Act under discussion contains a clause of a general nature to the following effect, viz. that the Privy Council may from time to time cause to be made such inquiries as they see fit in relation to any matters concerning the public health in any place or places.

CAP. XCVIII.—*An Act to amend the Public Health Act, 1848, and to make further Provision for the Local Government of Towns and populous Districts.*

As explained in the account above given of "The Public Health Act, 1858," the Act under discussion, called "The Local Government Act, 1858," deals afresh with the subject of sanitary measures; and no longer, as it would seem, with hesitation, since the Act is permanent in its character. The general principle on which it is constructed is, that each "place," throughout England and Wales (with certain exceptions, hereafter to be noticed), is to manage the matters dealt with in the Act under discussion (so far as the special locality of such place is concerned) without the interference of the Legislature at all, unless that interference is evoked by adopting the Act. In connection with this principle, however, it must be borne in mind, that in certain matters, not specifically dealt with in the Act under discussion, and affecting the public health at large rather than the sanitary condition and regulations of particular localities, the Legislature have reserved to themselves the power of interference. For example, the prevention of any anticipated disease, and some matters connected with national vaccination, have been committed to the Privy Council by the Act last discussed; and the subject of quarantine also has been similarly dealt with by 6 Geo. 4, c. 78.

It must also be borne in mind, that, to the general rule that any particular place in England or Wales is free to adopt, or not to adopt, the Act under discussion, there are two important exceptions—1. The metropolis, which is specially provided for by an Act of 1855 (amended by c. 104 of the session just passed); and 2. All places in which, prior to the 1st September, 1858, the Public Health Act of 1848 was wholly or partially in force; for with regard to these last, the adoption of the Act under discussion is not optional, but compulsory—the existing "local board" henceforward exercising their powers under and according to the provisions of the Act under discussion, instead of the Act of 1848.

Such being its general principle, the Act under discussion divides itself into two main parts—first, that which relates to the manner of its adoption within particular localities; and secondly, that which relates to the effect of its adoption.

With regard to the first, all places adopting the Act (which is incorporated with and made part of the Public Health Act of 1848) must fall within one of the following three classes—1. Corporate boroughs, as scheduled in the Municipal Corporation Act (5 & 6 Will. 4, c. 76). 2. Places with "Improvement Commissioners." 3. Other places, having, or not having, a known or defined boundary. In the two first instances, the Act may be adopted by resolution of the council or commissioners as the case may be; in the last, by resolution of the owners or ratepayers: but if the place have not a boundary at present, it must first procure the settlement thereof by the Home Secretary,—one-tenth of the resident ratepayers petitioning him to institute an inquiry for that purpose.

Secondly, as to the effect of the Act, on its taking effect in, or being adopted by, any particular borough or other place.

The duty of carrying the Act into execution is vested (as in the Act of 1848) in a "local board"—such board (in a place *adopting* the Act), to be the council, commissioners, or individuals

* Cap. 28, s. 7, *vide ante*, p. 977.

elected by the owners and ratepayers, according to the nature of the adopting place; or (in a place in which the Act *necessarily* takes effect), the local board in existence prior to 1st September, 1848. The duties of these local boards are of a multifarious description, to be sought in the two Acts taken together and in those statutes portions of which are incorporated with them; but the chief of these duties refer to the following subjects:—1. Sewerage. 2. Scavenging and cleansing. 3. Formation of streets and roads. 4. Towns police and improvements. 5. Public baths and washhouses. 6. Burials. 7. Markets. 8. Supply of water. 9. Purchase of land.

To furnish funds for the various expenses incurred by the local board in the execution of their duties, a rate is to be made by them upon the occupiers of the property within their district rated to the relief of the poor,—though where the rateable value of the premises is of small amount, and in some other cases, the owner may be rated instead of the occupier, at the option of the board. Moreover, powers are given to the board to raise money on the credit of these rates for the execution of permanent works, and with the sanction of the Home Secretary; and also to grant yearly rent-charges issuable out of improved premises, in favour of any person who shall advance money for a "Private Improvement" within the meaning of that term in the Public Health Act of 1848, for which the Board has incurred expenses or become liable. The receipts and expenditure of the local board are, however, subjected to an audit, with regard to which careful provisions are framed, so as to secure its efficiency and accurate performance; and in addition to this safeguard, every board is required to make an annual report to the Home Secretary (and to publish the same in a local newspaper), of all the works executed by it during the preceding year, and of the sums it has received and disbursements made.

Finally, it is to be noticed that in certain cases the Act under discussion extends to the Home Secretary a superintending power with regard to each board, analogous to that formerly exercised by the "general board." To him are to be presented petitions for effecting changes in the local limits of districts, or for the extension of borrowing powers: and it is made lawful for him to report annually to Parliament on the execution of the Act; as well as to make orders, on a variety of occasions, which are to be binding and conclusive in respect of the matters to which they refer.

Professional Intelligence.

The Birmingham Law Society held its annual meeting on Saturday, the 23rd instant, J. W. Whateley, Esq., in the chair. The report from the committee gave a satisfactory account of the pecuniary position of the society, and also of the proceedings of the committee during the past year. The officers elected were Mr. Whateley, president; Mr. T. S. James, vice-president; and Mr. Edward Sargant, honorary secretary. The number of members is forty-eight; and of subscribers to the library, not being members, twenty-seven; total, seventy-five.

Metropolitan and Provincial Law Association.

The following paper, "On the Law of Mortmain," was read by Mr. Lewis Fry, of Bristol, at the meeting held there on the 5th instant:—

"The objects of the present paper are to point out some of the inconveniences arising from the existing state of the law regulating the donation of property to charitable purposes, and to discuss the principles on which it is thought any legislative amendment should proceed. It is proper to say, in the outset, that the writer does not claim originality for many of the suggestions here made, several of which are derived from Bills on this subject introduced in o Parliament during the last few years. But it appeared unnecessary to incumber the present paper with constant references to these measures.

"The term, mortmain, is commonly used by lawyers to designate the whole of that branch of law which deals with the restrictions which have, at various times, been imposed by the Legislature upon the devotion of real property to corporate or charitable purposes.

"Strictly used, it is applicable only to those statutes which restrained the alienation of land to corporations. This was the sole object of all the statutes on this subject prior to the Act of the 9th of Geo. 2, none of which (with a single exception, which does not concern us here—the stat. 23 Hen. 8, c. 10, restraining gifts to superstitious uses) in any way touched the conveyance or donation of land to charitable purposes unless it were made to a corporate body. Before the Reformation it may be said that all the charitable energies of the community worked through the innumerable religious houses which covered the country, and their trust, though often abused, was very generally fulfilled; and it was not till the Reformation had swept these away that charitable institutions independent of religious corporations took their rise.

"With the old statutes of mortmain, then, we have nothing to do; and it is sufficient here to say that their only practical effect is to render a license from the Crown to hold lands in mortmain a common incident of nearly every corporation, and that they now place no check whatever upon conveyances or devises of lands to charities.

"With the statute of 9th Geo. 2, c. 36, the only Mortmain Act we meet with in practice, we are all familiar. It may, however, be proper to state its chief provisions very briefly. Its preamble recites that gifts or alienations of lands in mortmain were forbidden by Magna Charta and other wholesome laws as prejudicial to the common utility, and that such public mischief had greatly increased by many large and improvident dispositions made by languishing and dying persons to charitable uses, to take place after their deaths, to the disherison of their lawful heirs. And it then proceeds to enact, in effect, that no land of any tenure, or any interest or charge or incumbrance affecting land, nor money or personal property to be laid out in its purchase, shall be devoted to any charitable purpose, whether the trustees be a corporation or natural persons, unless the deed by which the disposition is effected be indented and executed in the presence of two witnesses twelve months before the death of the donor or grantor, be enrolled in Chancery within six months after its execution, and be made to take effect in immediate possession for the charitable use, without any reservation or agreement of any kind for the benefit of the donor or grantor or any one claiming under him. But the death of the grantor within twelve months from the execution of the deed is not to affect any conveyance really made for full and valuable consideration.

"It is impossible to read the provisions of the Act without perceiving that its principal, or indeed its only object is to forbid the testamentary disposition of land to charitable purposes; and that the provisions contained in it relative to disposition by deed are designed only to prevent arrangements which, though made by deed, would be of similar effect to a will, either as being made in immediate contemplation of death, or to operate only after that event, or from the donor's retaining a power of revoking the gift, either by express proviso, or by secretly keeping the deed in his own custody. That this was the intention of the Legislature in passing the statute, is also fully evident from the debates in the Lords, as reported in the Parliamentary History, which turn almost entirely upon the propriety of forbidding the disposition of land to charities by will.

"But while the statute was thus directed against testamentary dispositions only, its very stringent provisions in effect reach much further. They may be considered under two heads:

"1. As they affect the title to lands conveyed by deed to charitable uses, either by way of sale for valuable consideration or of voluntary donation.

"2. As they affect the bequest by will of personal property which savours of the realty.

"I. It was for a long time generally supposed by the profession, that purchases of land for value made by the trustees of charities were by the 2nd section exempted from *all* the formalities and provisions of the statute; but it is perfectly clear, and now well known, that such purchases differ from voluntary donations by deed only in that the former are unaffected by the donor's death within the twelve months. And what is the practical effect of this? Take the case of trustees of a charity having funds which they have the power, and are desirous of investing, in the purchase of real estate. They consult their professional adviser; he tells them there is no obstacle provided that the conveyance be duly executed and enrolled; they purchase an estate; but when it has to be conveyed, a whole host of difficulties rise upon them from the Act; very possibly the estate is copyhold, in which case they find it cannot be conveyed at all, as it will not pass by the deed indented, which is necessary under the statute; or suppose they have agreed to take a long lease at a rent, they find that the rent is a reservation for the grantor's benefit, and would vitiate their purchase; they cannot for the same reason buy any postponed or reversionary interest to be newly created, be the bargain

ever so good a one; if they buy a freehold estate in possession they cannot allow the vendor to reserve the minerals to himself, or to retain a right of way to his adjoining land; nor can they enter into any covenant with him as to the mode of building on the land, or as to how it shall be used; if they have purchased subject to any mortgage or charge, they cannot covenant to indemnify him against it; nor if they have agreed for the purchase of leaseholds as assignees, can they covenant with the assignor to pay the rent and observe the covenants; all these would be reservations or agreements for the grantor's benefit, and so avoid the transaction. And the result of all this probably is, either that the purchase has to be abandoned and a new one effected, or that a new bargain is made with the vendor, disadvantageous alike to both parties; or else that by the ingenuity of the purchaser's advisers, some scheme of an intermediate conveyance or other plan is invented at great expense, which it is supposed would present a fair appearance on the face of an abstract, but which would crumble to pieces if the real circumstances were brought to light. Most of the same inconveniences attach to conveyances to charities by way of voluntary gift; and when we consider for a moment in how large a proportion of purchases or voluntary conveyances, some one or more of the circumstances enumerated above, or others equally objectionable, occur, and that if the provisions of the statute be contravened in the minutest particular the conveyance is altogether and absolutely void, we shall be able to estimate the embarrassing character of the difficulties which surround the dealings of charity trustees with real estate.

"II. With respect to testamentary bequests of personal property, many practical difficulties and evils arise from the provisions of the Act forbidding the bequest of any estate or interest in land, or any charge or incumbrance affecting the same. To decide what forms of personal estate do, or do not, fall within this description, is often a matter of the greatest difficulty, and will become more so every day, as new varieties and modifications of property arise. Ordinary mortgages and charges upon real estate are, of course, necessarily held to fall within the statute; but when we come to the securities of public companies interested in land, the decision must often turn upon points of great nicety in the form of the instrument, as whether the security created is a specific charge or merely a general obligation. And as regards shares in such companies, the difficulty is even the greater in determining the extent to which they savour of the realty; the course which the decisions of the Courts have taken upon this subject has been a very devious one; it was at one time considered that the question whether the shares of incorporated or quasi incorporated companies were within the statute, depended on whether their Acts of Parliament or deeds of settlement, declared them to be personal estate. This doctrine may now, however, be considered as abandoned; and it is settled that no shares in such companies are within the Act; but the question remains open, or can only be considered as just set at rest, whether shares in unincorporated companies holding lands be so or not; and, beyond these questions, there lie a number of others relating to various mixed species of property, as registered judgment debts, liens for unpaid purchase-money, and others of like kind, some of which will be found to arise in almost every estate of any considerable amount.

"The evil of the doubt surrounding many of the questions thus arising is rendered very serious by the doctrine of the Court of Chancery, that the assets shall not be marshalled in favour of a specific legacy to a charity, but that if the personal estate consist to any extent of property within the operation of the Act, the legacy shall fail in the proportion which such property bears to the whole personal estate. It is, perhaps, somewhat remarkable that this doctrine should have been established, when we consider the favour with which, in other respects, charities are treated by the Court. The doctrine has been based upon the view that the marshalling of the assets so as to pay the charity legacies and other charges out of those parts of the estate which may respectively be legally so applied, would be an evasion of the statute. It is difficult, however, to see this, inasmuch as the policy of the Act is not against legacies being given to charities at all, but only against interests savouring of realty being so given, and it can be no evasion of this, if the intention of the testator can be effected by paying the legacy out of property purely personal. The doctrine, however, is now well established, and the result of it is, that, if there be a specific legacy to a charity, payable out of an estate consisting of the usual variety of personal property, and it so happens that there be no clause inserted in the will directing the marshalling of the assets, as is done by all well-advised testators, the doubts which will exist as to what particular items of the estate are within the statute, or, if that be settled, the difficulty of deciding the proportion which they bear to the general personal estate, which it may be impossible consistently with the will to realise for the purpose, will drive the executors to administer the estate in the court. A still greater evil is, that it is practically impossible to make a charity a residuary legatee, if the estate is invested in the ordinary way, for no marshalling clause will in this case be of any avail; and it is obvious that it may often be a far more proper disposition for a testator to give specific legacies to his relatives, and the residue to a charity, than by the converse arrangement allow the relatives, who have the stronger claim, to run the chance of getting nothing. In short, any testator wishing to make testamentary dispositions to charities, and who is anxious that his will should take effect, should either put all his money in Consols, or have his solicitor ever at his elbow to advise him upon every investment he may make.

Enough has now been said to show that some amendment of the law of charitable bequests is desirable. It remains to consider what the character of that amendment should be. Two courses, which have the advantage of simplicity, at once suggest themselves: either to remove all restraints upon the testamentary disposition to charitable purposes of all property whatever, whether real or personal; or, secondly, to forbid all such disposition absolutely. Are we prepared to adopt either of these? It may be argued that the distinction drawn for this purpose between real and personal property is only artificial; that the reasons which dictated the old statutes of mortmain no longer exist; that the support of the Crown and the defence of the realm now depend as much upon the cotton factories of Manchester as the broad lands of Norfolk or Essex; and that the governors of a hospital or the trustees of a charity school are quite as likely to be enlightened and improving landlords as the country gentleman. But after all that can be said to the contrary, the distinction between land and moveable property cannot be got rid of, for they are essentially different—of the one the quantity is fixed, the other is capable of indefinite increase—the one is local and permanent, the other transitory and varying; and their influences upon habits and character are widely distinguished. If, as is true, land itself is an article of commerce, we must remember, that, with comparatively rare exceptions, land belonging to charities remains fixed as of old in "dead hands," and no new land can be manufactured to supply its place in the market; and if we remove the restrictions of the mortmain law, may we not see some eccentric testator try to become a second Thellusson, and immortalise himself in a monster charity which may involve the lands of half a county.

"Then for the other alternative, shall we forbid all testamentary dispositions whatever to charities? it is said with truth, that charitable legacies may be only the result of pique against relatives, and that if a man really desire to devote his wealth to such purposes, he should do it not only at the expense of those who succeed him, but also at his own; and that, if most men are unwilling to part with their estates during their own lives for this object, that is but a salutary check upon their morbid tendencies, and that men should never be allowed to gain the repute of benevolence by giving from its rightful owners what they can no longer grasp themselves. But let us remember how many undertakings of the utmost value to society are dependent in this country upon the machinery of charitable institutions. Our government is not what is called "paternal;" we do things for ourselves, which in other countries are undertaken by the State. All our hospitals and infirmaries for the sick and the maimed; all our almshouses for the aged and infirm; all our great schools for the education of the poorer classes; and criminal reformatories and other institutions for the benefit of mankind, without number: all these are, in England, the fruits of private benevolence. And are we prepared to say that all gifts by will to these shall be forbidden? How much are many of them dependent upon such bequests, and in how many instances, perhaps the large majority, are these not the result of a morbid craving for notoriety, but the legitimate fruits of a benevolence which has operated as bountifully during life as in death. Most of us can, in our private experience, recall many such cases; perhaps few of us any where the liberty has been grossly abused, or in which, if it have been, the testators would not, if compelled, have found other equally objectionable means of gratifying their eccentricities.

"The conclusion, therefore, is, that having a certain distinction existing between real and personal property—a distinction not altogether unfounded in reason though perhaps to some extent artificial, and which, by placing, as it does, some check on, charitable bequests while it does not forbid them altogether

holds a middle course between the two extremes, both of which it has been sought to show are objectionable;—that, having such a distinction, we should still hold to it, but endeavour, by legislation founded upon it, to obviate the evils engendered by the present state of the law. Following, then, the policy of the existing statute, the object of such legislation would be this—1, absolutely to forbid only the gift of land to a charity by will, or by such disposition affected during lifetime as would be in its effects similar to that of a will; and 2, to forbid the devise or bequest to a charity of such personal property only as is really, and in its ordinary and probable consequences likely, to place the actual ownership and management of land, as such, in the hands of charitable institutions.

"First of all, then, purchasers for value made out of charity funds should be altogether removed from the operation of any restrictive provisions. If it be desirable to restrain or check such purchases, let it be done in some more effectual and straightforward manner than by merely throwing technical difficulties in the way of the conveyance; but such purchases, if real and bonâ fide, can never be testamentary in their character, whatever be the interest parted with, or whatever reservations be made; nor can they have any of the effects, whether good or bad, of testamentary dispositions. To say that it is difficult to discover what real and bonâ fide purchases for value are, and that frauds upon the statute would be practised by testators selling the reversion after their own deaths and presenting the purchase-money to the charity, is no answer. Every such provision is liable to be evaded, and the existing law equally so with that proposed; and we must rely on the searching powers of the Court of Chancery to restrain such transactions.

"Assuming, then, that the Act be confined to voluntary donations, it should only forbid such dispositions as are actually made by will, or are in effect testamentary. The provision avoiding the deed on the grantor's death within a certain time after its execution, would of course be retained, to prevent deeds executed in immediate contemplation of death. Then as to reservations for the grantor's benefit. The framer of the existing statute seems to have thought that if any such reservations whatever were allowed, it would be impossible to prevent deeds being framed so as to effect the same object as a will. It may be said, with much truth, that the *essential* distinction for the present purpose between a deed and a will, is the *revocable* character of the latter—not that it allows the testator to enjoy the property during his lifetime. Few men are willing during life irrevocably to settle the reversion of their estates on their own deaths, and so deprive themselves *at once* of all the powers and rights of absolute ownership and their attendant influence. If this be the case, it would be sufficient to forbid only powers of revocation reserved to the donor; but if this be thought insufficient, it is submitted that, besides powers of revocation, the only reservations which should be forbidden would be those which should be made for the grantor's life, or for any period dependent on it. Reservations other than such as these must surely be unobjectionable. If we allow a man to convey land by deed to a charity, why may he not give it, less the minerals, or subject to a rent or right of way, or to a covenant as to the mode of enjoyment, or a charge from which the charity will undertake to hold him harmless? Not only does such a reservation in no way render the disposition testamentary, but the statute in forbidding it is, in effect, encouraging the gift of land to the charity, by compelling the donor to give the whole when he is desirous of giving only a part.

"Next, as to the bequest of personal property savouring of or connected with land. The object to be kept in view is the real and practical, and not the mere theoretical distinction between realty and personalty; and the bequest of such property only should be forbidden as tends to place the actual ownership and management of land in charity hands. In this view, what difference does it make whether shares in a public company be declared by the Act real or personal estate; whether the company be incorporated; or, indeed, whether it hold land or not at all? And, though recent decisions may be considered to have rendered these distinctions immaterial, others equally untenable exist. Has the holder of a debenture which assigns the undertaking of a railway more chance of becoming a landowner than his neighbour who holds the simple bond of the company? or what prospect has the owner of a registered judgment or equitable lien, whose practical remedy is to come to the Court for a sale, of being the substantial possessor of the land? The connexion with the realty in these cases is, indeed, abundantly clear as a matter of legal argument, but, practically speaking, is of absolutely no consequence. It appears to be of the first importance, that the rule to be laid down should be of the simplest description, and one which will involve no new legal problems requiring the solution of the Courts. With this view it is suggested that every kind of personal property which is considered as personalty by a court of equity should be allowed to be given by will to charities. Two objections present themselves to this rule. The first, as to mortgages of land and money to arise from the sale of land, both of which are personal in equity, but which are evidently so closely connected with the realty that their possession confers the right, in certain events, of acquiring the land in specie. But it is suggested, that, without forbidding the donation of such property, or limiting the remedies of the charity in respect of it, the difficulty may be got over by a simple enactment, that whenever, in consequence of being possessed of money charged on or to arise from the sale of land, the trustees of any charity shall, by foreclosure or election to take the property as realty, become possessed of the land, so that the Court would consider it as real estate, they shall hold the same upon trust to sell it within some specified time, say five years, in default of which it should be forfeited to the Crown. This provision is suggested from a somewhat similar one in Mr. Headlam's Bill on the Law of Mortmain, introduced to the House of Commons in 1854.

"The second objection to the rule suggested concerns terms of years and leasehold estates in land, which, though personal in point of law, are practically and essentially real estate. These, then, must necessarily form an exception to the rule; and as this exception might introduce many of the old difficulties, where leaseholds form part of a residuary estate, it is proposed to enact that the rule of the Court of Chancery forbidding the marshalling of the assets in favour of charities, be abolished, and that the ordinary rules of the Court as to other legatees should apply.

"Money to be laid out in land being equally objectionable with a gift of land itself, must, of course, remain under the old restraints. The questions arising upon this branch of the subject, which have caused so much litigation, are, so far as the writer is aware, inherent in the subject, and incapable of legislative solution.

"The following is a sketch of the proposed Act:—

"Repeal the existing statute.

"Enact,

"That no land, or money or personal property to be laid out in land, may be given to charitable uses in any other way than by deed executed in the presence of two witnesses twelve months before the donor's death, and enrolled in Chancery or with the Charity Commissioners within six months.

"That nothing in the Act shall affect purchases for full and valuable consideration, actually paid or reserved by way of rent-charge.

"That all kinds of property considered as personalty in equity may be given by will to charitable uses, except only terms of years (whether legal or equitable) in land. Provided, that, if by reason of the trustees of any charity being possessed of any charge on land, or money to arise from the sale of land, they shall, by any means, become owners of the land, so that, if freehold, a court of equity would consider it as real estate, they shall be bound to sell the same within five years of their so becoming entitled, in default of which the property shall be forfeited to the Crown.

"And, lastly, abolish the doctrine of equity against marshalling the assets in favour of a charity.

"Time will not permit the discussion of the measures which have been introduced to the Legislature of late years on this branch of the law. Of Mr. Headlam's Bill, already noticed, the most prominent feature was the placing of new restraints on bequests of personal property, by requiring the will to be executed three months before death, and that notice of the bequest should, during lifetime, be given to the Charity Commissioners. There is but little suspicion, in the present day, of undue influence used in favour of charities in the dying moments of testators; and to require the registration of notice of the legacy during lifetime would be repugnant to the feelings of the great majority of men, and it does not therefore appear that any case is made out for the imposition of these restraints, if it be desirable to allow legacies to charities at all.

"Of the other Bill introduced in two or three sessions by Mr. Atherton, all that can here be said is, that it relates exclusively to the conveyance of land to charities.

"From both measures the writer has gathered many of the suggestions here made, and he has only to conclude by saying, that, while he does not claim for his observations any merit of originality, he submits them rather as suggestive of ideas upon this branch of law than as supposing that the conclusions he has arrived at are, for that reason, correct."

Review.

Commentaries on American Law. By James Kent. Boston: Little, Brown, & Co.

For some reason or other the estimate formed in England of the merits of the two most noted American commentators has been different from that of native critics. As a rule, English lawyers are familiar with Story and ignorant of Kent, while almost all Americans ascribe the first place to the latter. It is not very easy to assign the reason for the preference given in this country to the works of Mr. Justice Story, but, perhaps, it may in some degree be accounted for by his disposition to perform the part of a collector of judicial and other opinions, without often venturing on an independent dictum of his own. We have got a habit, be it good or bad, of looking upon legal text books rather as good indexes than as critical commentaries, and of valuing them in proportion as they guide us to the ultimate authorities; and Story's works fall in with this temper more readily than the more ambitious productions of Kent.

Kent's "Commentaries" form, nevertheless, the standard compendium of American law, and, except in their greater minuteness, and their freedom from universal laudation, may be compared, and very favourably compared, to our own Blackstone. Like the essays of our popular commentator, these volumes are addressed to the community at large, quite as much as to the mere lawyer, being a development of the lectures delivered by the author from the law chair of Columbia College. Nine editions, since the first publication in 1826, have testified to the popularity of the work, and the recent appearance of the last of these is an event not without interest on either side of the Atlantic. The seventh edition, which was prepared by Mr. William Kent, was the first in which any material additions or alterations were made to the original text; and the present edition purports to follow the same course that was then pursued, and to bring up the authorities to the present time, and add such notes as have become necessary since the last revision. The main value of the work must always depend on the text as produced by its distinguished author; but it is not immaterial to inquire how far the corrections of the last editor constitute a valuable addition to the Commentaries. Rather strangely, there is no announcement of the name of the principal editor, and the reader is left to guess whether the task has been undertaken by the same hand to which the previous edition was intrusted. It would seem, however, that the editorial duties have been, for the most part, done by deputy, as in an advertisement to this edition the anonymous editor records his obligations to Messrs. George Miller Hobbs, Richard Olney, George Putnam, jun., and George Wales Soren, as the persons by whom the new authorities have been collected, and the additional notes almost exclusively prepared. It is an inconvenience attendant upon this kind of joint editorship that each member of the fraternity becomes apparently responsible for the shortcomings of every other, and some inequality is always expected in the execution of the task. Criticism on one portion of the work may prove more favourable or more severe than the publication, as a whole, may deserve; and as at present we intend to confine ourselves to the first section only of this comprehensive epitome of law, we would guard our readers against drawing an over-hasty inference as to the manner in which other portions may have been revised. A considerable part of the first volume is devoted to the subject of the law of nations, which, except so far as it is modified by the peculiar prepossessions of different countries, is the same throughout the whole of the civilised world. It is, as the American commentator himself describes it, a system of rules which reason, morality, and custom had established among the civilised nations of Europe as their public law, and to which the United States became subject when they assumed the character of an independent nation. To some extent, these rules are in a state of constant flux, determined not only by the decisions of the competent jurisdictions of each country, but by the growth of international customs, and by the more or less concurrent action of the diplomacy of different states. It is only the voluntary submission of each government to the general feeling of civilised states that can secure any uniformity in the course of improvement which all are, or affect to be, desirous of working in the maxims which constitute the foundation and the limits of international public law. It is, therefore, especially interesting to know the views of American jurists on such a topic, inasmuch as the United States are in some respects separated in their interests or their policy from the old countries of Europe, and are not remarkable for their readiness to yield their own views to those of other nations.

Two points in particular have been brought to the surface on very recent occasions, on both of which some conflict exists, or is supposed to exist, between the ideas of the old and new worlds. One of these is the right of search, or visitation; the other, the right of privateering. On the former of these questions, the difference of opinion between the lawyers of England and America has in fact been, at least for the last twenty years, more imaginary than real, and we have looked with some curiosity to see how the case would be represented in a new edition of an American commentary. The text scarcely alludes to the right, or supposed right, of visitation, as distinguished from the right of search, and on the latter subject lays down the unquestionable law that the right of search is exclusively a bellicose right, and has no existence in time of peace, except by virtue of some special convention. One theoretical difference between England and America is referred to in a note at page 161. We claimed in 1812 the right in time of war to search neutral vessels, not only for contraband goods, but also for British seamen liable to impressment, and the American resistance to this claim was one principal cause of the war of 1812. Practically the question has sunk into insignificance, by an abandonment of the practice, though not of the right, of impressment, and it is certain that Great Britain will not at any future time repeat the same demand. But it is mentioned in the note we have referred to, that the question not only remains without any express settlement to this day, but that it was raised during the negotiation of the Ashburton treaty, and dropped with the intimation that America considered her flag evidence that the seamen on board were American. Probably there will never be occasion for any more formal declaration; and on all other points it is stated by Mr. Justice Kent, that the doctrine of the English Admiralty on the right of visitation and search, and on the limitation of the right, has been recognised in its fullest extent by the American Courts.

We believe this is as correct now as it was when it was first written, but the present editor has inserted a note (at page 158), which seems to question the statement in the text, and which we believe is founded on a misapprehension. He says that the British Government, while disclaiming the right of search in time of peace, claim at all times the right of visit, in order to know whether a vessel, pretending to be American, and hoisting the American flag, be really what she seems to be; whereas the American Government deny equally the right of visitation and search, between which they admit no distinction whatever. In support of this statement, Lord Aberdeen's despatch of December, 1841, is quoted; but that really proves exactly the reverse, and shows that there was not any difference in the rights claimed and acknowledged by the two countries. The recent correspondence, indeed, by which this view has been affirmed, was in no respect a departure from the old policy of this country. Neither Lord Aberdeen nor any other English minister claimed any right to visit American vessels. They claimed the right to visit foreign ships under the American flag whenever that right had been conceded by the nation to which the ship belonged. If by mistake a ship so visited proved to be really American, it was admitted that the visitation would be an excess of jurisdiction, like that of a police-officer who, by mistake, arrests a wrong man. All that England required under such circumstances was, that if the mistake were made under circumstances which warranted a reasonable suspicion as to the nationality of the ship, and if no damage were inflicted, no offence should be taken; and this demand has been always regarded as reasonable by American statesmen, though not always by American mobs. In fact, at this moment the rule, as above stated, is almost in the words in which the law was laid down a short time ago by the American Government, and the note of the editor of Kent is more what could have been looked for in a New York paper than in a solemn treatise on public law. Curiously enough, too, the editor states the law elsewhere even more strongly in favour of the supposed English claim than it was ever stated by any English minister or court, at any rate, for very many years; for he says that the "right of approach," which is only another name given to the right of examining into the true nationality of a ship bearing a particular flag, is considered to be well warranted by public law, and is practised by all nations, including the United States, when piracy is suspected. The real explanation is, that the right is one to be exercised at the peril of the visiting squadron, and that, if unreasonably exercised, it may be a proper subject of complaint. On the other subject which we have selected for examination—the practice of privateering—the editor's notes are very far from being a complete statement of the law in the year 1858—the date which is borne

on the title-page of the book. The general rules laid down in the text give an accurate account of this barbarous portion of the public law of the world as it stood at the time when the passage was written. After explaining the recognised nature of the practice, the author proceeds to mention the efforts which have been made from time to time to abolish it. A temporary treaty between Prussia and the United States, in 1785, prohibited privateering as between the two countries, but the provision was allowed to expire. An agreement, in 1675, between Sweden and Holland, to the same effect, was not performed. A decree, in this sense, of the French Legislature, in 1792, was swept away in the tempest of the revolution, and, to quote the concluding words of the distinguished author, "the efforts to stop the practice have been very feeble and fruitless, notwithstanding that enlightened and enlarged considerations of national policy have shown it to be for the general benefit of mankind to surrender the licentious practice, and to obstruct as little as possible the freedom and security of commercial intercourse among the nations."

Since this was written, all the great powers of Europe have concurred in a declaration that privateering is abolished, and have invited the acquiescence of the rest of the world, which for her part America has as yet declined to give. We looked anxiously to the editor's note to the above passage, to see what weight he attributed to the important declaration of the Congress of Paris. The note was there, but the Congress of Paris was wholly ignored, and the only addition which was thought necessary to the narrative given in the text, of old abortive attempts to get rid of the practice, was a reference to an Act of the Legislature of New York, for the incorporation and encouragement of privateering associations. Privateering is now recognised only in America; and a book published in 1858 surely ought not to state without qualification that it is still the law of the civilised world, and that all efforts to suppress the nuisance have been feeble and fruitless.

Court Papers.

Court of Chancery.

SITTINGS.—Michaelmas Term, 1858.

LORD CHANCELLOR.

At Westminster.

Tuesd. Nov. 2..App. Mtns. & Apps.

At Lincoln's Inn.

Wednesday 3..Petns. & Appeals.
Thursday 4 } Appeals.
Friday 5 }
Saturday 6 } Appeals.
Monday 8 }
Tuesday 9 }
Wednesday 10..App. Mtns. & Apps.
Thursday 11 }
Friday 12 } Appeals.
Saturday 13 }
Monday 15 }
Tuesday 16 }
Wednesday 17..App. Mtns. & Apps.
Thursday 18 }
Friday 19 } Appeals.
Saturday 20 }
Monday 22 }
Tuesday 23 }
Wednesday 24..Petns. & Appeals.
Thursday 25..App. Mtns. & Apps.

MASTER OF THE ROLLS.

At Westminster.

Tuesd. Nov. 2..Motions.

At Chancery Lane.

Wednesday 3..Gen. Petn. Day.
Thursday 4 }
Friday 5 } General Paper.
Saturday 6 }
Monday 8 }
Tuesday 9 }
Wednesday 10..Motions.
Thursday 11 }
Friday 12 } General Paper.
Saturday 13 }
Monday 15 }
Tuesday 16 }
Wednesday 17..Motions.
Thursday 18 }
Friday 19 } General Paper.
Saturday 20 }
Monday 22 }
Tuesday 23 }
Wednesday 24..Gen. Ptn. Day.
Thursday 25..Motions.

Short Causes, Short Claims, Consent Causes, Unopposed Petitions, Claims, and Adjourned Summonses, every *Saturday*. The Unopposed Petitions will be taken first, and must be presented, and Copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard.

THE LORDS JUSTICES.

At Westminster.

Tuesd. Nov. 2..Appeal Motions.

At Lincoln's Inn.

Wednesday 3..App. Mtns. & Apps.
Thursday 4..Appeals.
Friday 5 } Petns. in Lun. & Bktcy., App. Petns., and Appeals.
Saturday 6 }
Monday 8 } Appeals.
Tuesday 9 }
Wednesday 10..App. Mtns. & Apps.
Thursday 11..Appeals.
Friday 12 } Petns. in Lun. & Bktcy., App. Petns., and Appeals.
Saturday 13 }
Monday 15 } Appeals.
Tuesday 16 }
Wednesday 17..App. Mtns. & Apps.
Thursday 18..Appeals.
Friday 19 } Petns. in Lun. & Bktcy., App. Petns., and Appeals.
Saturday 20 }
Monday 22 } Appeals.
Tuesday 23 }
Wednesday 24 }
Thursday 25..App. Mtns. & Apps.

V. C. Sir R. T. KINDERSLEY.

At Westminster.

Tuesd. Nov. 2..Motions.

At Lincoln's Inn.

Wednesday 3 } General Paper.
Thursday 4 }
Friday 5..Petitions.
Saturday 6 } Sht. Causes, Sht. Cls., Adj. Sumns., & Gen. Paper.
Monday 8 } General Paper.
Tuesday 9 }
Wednesday 10..Mtns. & Gen. Pap.
Thursday 11..General Paper.
Friday 12..Petitions.
Saturday 13 } Sht. Causes, Sht. Cls., Adj. Sumns., & Gen. Paper.
Monday 15 } General Paper.
Tuesday 16 }
Wednesday 17..Mtns. & Gen. Pap.
Thursday 18..General Paper.
Friday 19..Petitions.
Saturday 20 } Sht. Causes, Sht. Cls., Adj. Sumns., & Gen. Paper.
Monday 22 } General Paper.
Tuesday 23 }
Wednesday 24 }
Thursday 25..Mtns. & Gen. Paper.

V. C. Sir JOHN STUART.

At Westminster.

Tuesd. Nov. 2..Motions.

At Lincoln's Inn.

Wednesday 3 } General Paper.
Thursday 4 }
Friday 5..Petns. & Gen. Pap.
Saturday 6 } Sht. Causes, Sht. Cls., & Gen. Pap.
Monday 8 } General Paper.
Tuesday 9 }
Wednesday 10..Mtns. & Gen. Pap.
Thursday 11..General Paper.
Friday 12..Petns. & Gen. Pap.
Saturday 13 } Sht. Causes, Sht. Cls., & Gen. Pap.
Monday 15 } General Paper.
Tuesday 16 }
Wednesday 17..Mtns. & Gen. Pap.
Thursday 18..General Paper.
Friday 19..Petns. & Gen. Pap.
Saturday 20 } Sht. Causes, Sht. Cls., & Gen. Pap.
Monday 22 } General Paper.
Tuesday 23 }
Wednesday 24 }
Thursday 25..Mtns. & Gen. Pap.

V. C. Sir W. PAGE WOOD.

At Westminster.

Tuesd. Nov. 2..Motions.

At Lincoln's Inn.

Wednesday 3 } General Paper.
Thursday 4 }
Friday 5 }
Saturday 6 } Petns., Sht. Causes, Cls., & Gen. Pap.
Monday 8 } General Paper.
Tuesday 9 }
Wednesday 10..Mtns. & Gen. Pap.
Thursday 11 } General Paper.
Friday 12 }
Saturday 13 } Petns., Sht. Causes, Cls., & Gen. Pap.
Monday 15 } General Paper.
Tuesday 16 }
Wednesday 17..Mtns. & Gen. Pap.
Thursday 18 } General Paper.
Friday 19 }
Saturday 20 } Ptns., Sht. Causes, Cls., & Gen. Pap.
Monday 22 } General Paper.
Tuesday 23 }
Wednesday 24 }
Thursday 25..Mtns. & Gen. Pap.

CAUSE LISTS.—Michaelmas Term, 1858.

☞ *The following abbreviations have been adopted to save space:—*

A. Abated—*Adj.* Adjourned—*A. T.* After Term—*App.* Appeal—*C. D.* Cause Day—*Cl.* Claim—*Cts.* Costs—*D.* Demurrer—*Ex.* Exceptions—*F. C.* Further Consideration—*F. D.* Further Directions—*Mtn.* Motion—*P. C. L.* Confesso—*Pl.* Plea—*Ptn.* Petition—*R.* Rehearing—*S. O.* Stand over—*Sh.* Short.

LORD CHANCELLOR AND LORD JUSTICES.

Appeals.

Wellesley *v.* Mornington }
Mornington *v.* Wellesley }
Brown *v.* The Stockton and Darlington Railway Company (Part heard)
Lloyd *v.* Attwood (1st day of Appeals)
The Official Manager of the Athenæum Life Assurance Society *v.* Pooley
Ware *v.* The Regent's Canal Co.
Scott *v.* Mayor, &c., of Liverpool
Griffiths *v.* Leeson
Rawlins *v.* Wickham }
Wickham *v.* Bailey }
Morris *v.* Morris
Rutter *v.* Marriott
Edwards Wood *v.* Marjoribanks
Rolt *v.* Hopkinson
Atkinson *v.* Smith
Whittington *v.* Edwards
Lillie *v.* Leigh
Sheppard *v.* Oxenford
Haviland *v.* Mortiboy
Taylor *v.* Taylor
Manserigh *v.* Campbell
The Great Luxembourgh Railway Company *v.* Magnay
Wythes *v.* Labouchere

Cause.

Attwood *v.* Lloyd }
Attwood *v.* Lloyd }

MASTER OF THE ROLLS.

Causes, &c.

Rendle *v.* Reay (Cl. part heard)
Reeves *v.* Gouldstone (Cause)
Brune *v.* Collins (F. C.)
Oliver *v.* Simpson (Mtn. for dec. with No. 72)
Neale *v.* Bacon (Mtn. for dec.)
Elletson *v.* Elletson (do. Nov. 10)
Horton *v.* Brocklehurst (Cause)
Fletcher *v.* Evans (Mtn. for dec.)
Joliffe *v.* Twyford (do.)
Case *v.* Midland Railway Co. (do.)
Bourdillon *v.* Baddeley (do.)
Cooper *v.* Hood (do.)
Heaton *v.* Tempest (Cause)
Lucas *v.* Waller (do.)
Gray *v.* Falconer (do.)
Wright *v.* Reynolds (do.)
Goss *v.* Jenkinson (Mtn. for dec. Nov. 23)
Campion *v.* Rogers (do.)
Hornby *v.* Wilks (do.)
Ramsbotham *v.* Mabon (Cause)
Spafford *v.* Bell (Mtn. for dec.)
Jolly *v.* Arburthnot (do.)
Woodburn *v.* Grand (Mtn. to vary certific.)
Sladden *v.* Godfrey (Cause)
Martin *v.* Hyett (Mtn. for dec.)
St. Aibyn *v.* Harding (do.)
Reade *v.* Woodroofe (Cause)
Barkworth *v.* Barkworth (Mtn. for dec.)
Stevenson *v.* Scanlan (Cause)
Newman *v.* Newman (do.)
Hickson *v.* Halford } (Cause)
Booth *v.* Halford }
St. Clair *v.* Morris (Mtn. for dec.)
Mackie *v.* Shaw (Sp. case)
Utting *v.* Utting (Mtn. for dec.)
Hammond *v.* Bateman (Sp. case)
Rogers *v.* Richard (Mtn. for dec.)
Ruxton *v.* Poingdestre (F. C.)
Johnson *v.* Warburton (Mtn. for dec.)
Huxham *v.* Thorne (do.)
Coad *v.* Whitlock (do.)
Wilson *v.* Copland (do.)
Brumbridge *v.* Brumbridge (Cause)
Robinson *v.* Biggs (Mtn. for dec.)
Vandravart *v.* Ingle (do.)
In re Williams } (F.C. adj. from chambers)
Harding *v.* Williams }
Wilcoxon *v.* Mackenzie (Cause)
Greenwood *v.* Jemmett (Sp. case)
Jones *v.* Consolidated Investment and Assurance Co. (Mtn. for dec.)
In re Smales } (F. C.)
Warner *v.* Smales }
Cheslyn *v.* Price [5] (R.)
Tompson *v.* Leith (Mtn. for dec.)
In re Wright } (F. C. adj. from chambrs.)
Wright *v.* Blackborough }
Lazenby *v.* Marshall (Mtn. for dec.)
Isaacs *v.* Homfray (Cause)
Webster *v.* Parr (Mtn. for dec.)
Bell *v.* Blackett (do.)
Denning *v.* Ellerton (do.)
Troward *v.* Attwood (Cause)

Tidett v. Oldham (F. C.)
Batty v. Douglas
Abermott v. Doyle (do.)
Gregory v. Geddes (Mtn. for dec.)
Arnold v. Bainbrigge (Cause)
Wolferstan v. Bainbrigge
Audley v. Horn (do.)
Scrivener v. Buttenden (F. C.)
Hainbrook v. Cowdell (Cause)
Swale v. Swale (F. C.)
Jackson v. Mathias (F. C. & sumns. to vary certificate)

In re Langharne Langham v. Jones (F. C.)
Hawksworth v. Hawksworth (do.)
Berry v. Reeve [3] (F. D. & costs)
Scott v. Colburn (Mtn. for dec.)
Humphrey v. Olver (Cause)
Chitty v. Paine (Mtn. for dec.)
Gandee v. Stansfeld (do.)
Archer v. Dowsing (do.)
In re Waldnck (F. C.)
Russell v. Waldnck

Vice-Chancellor Sir RICHARD T. KINDERSLEY.

Causes, &c.

Wilson v. Beddard (F. D. & costs)
Le Hunt v. Webster (Cause)
Wright v. Wilkin (Cause)
Shirton v. Driver (Mtn. for dec.)
Varley v. Jerram (Cause)
Peterson v. Hadley (Mtn. for dec.)
M'Donald v. Wilson (Cause)
Mayhew v. Finney (do.)
Lamprell v. Griggs (Mtn. for dec.)
Le Blanc v. M'Gill (do.)
Wand v. Hookway (F. C.)
The Northern Counties Union Railway Co. v. North Eastern Railway Co. (Cause)
Bingood v. Rickard (do.)
Gibbs v. Woodroofe (Mtn. for dec.)
Chambers v. Woodroofe
Hewitt v. Nanson (do.)
Roberts v. Calder (Cause)

Maughan v. Mansell (Mtn. for dec.)
Bennett v. Ireland (do.)
Rigg v. Loft (Cause—sht.)
Stansfield v. Wilson (Mtn. for dec.)
Glover v. Merriman (do.)
M'Gowan v. Smith (F. C.)
Lee v. Rennard (46.)
Way v. Way (F. C.—sht. & pet.)
Edwards v. Martin (F. C.)
Taylor v. Northrop (do.)
Turner v. Rickard (Mtn. for dec.)
Binkes v. Corrie (Cause)
Eggar v. Terry (Mtn. for dec.)
Perks v. Stotherd (Cause)
Wilton v. Ellis (do.)
Stapleton v. Stapleton (Mtn. for dec.)
Lincoln v. Wright (do.)
Macpherson v. Stewart (Cause)

Vice-Chancellor Sir JOHN STUART.

Causes, &c.

Watson v. Bentham (F. D. & Csts.)
Proie v. Sosdy (Mtn. for d., Nov. 13)
Russell v. Charnley (Cause)
Lloyd v. Allcock (do.)
Frayne v. Gummer (F. C.)
Martin v. Blackmore (Mtn. for dec.)
Burnett v. Gould (Cause)
Bryant v. Easterson (Mtn. for dec.)
Gordon v. Anderson (do.)
Nicholson v. Newton (do.)
Turner v. Ince (do.)
Tanner v. Lechmere (do.)
Pugh v. Pugh (do.)
Reilly v. Lane (do.)
Lewis v. Hughes (do.)
Laity v. Laity (Cause)
Starkey v. Overbury (Mtn. for dec.)
Lewin v. Knight (Cl.)
Crosby v. Hudson (Cause)
Fowler v. Scottish Equitable Life Assurance Society (Cause)
Cocks v. Calvert (Cl.)
Jarvis v. Ferguson (Mtn. for dec.)
Nokes v. Edwards (do.)
Crawford v. Ross (do.)
Lodge v. Ross (do.)
Lodge v. Ross (do.)
Turner v. Ross (do.)
Life Association of Scotland v. Greene (do.)
Poole v. Poole (Cause)
Fox v. Chichester (Mtn. for dec)
Simes v. Hardy (F. D. & csts. & exons. to report)
Howard v. Howard (Mtn. for dec.)
Shenton v. Armstrong (do.)
Higgins v. Pugh (Cause)
Anthony v. Burdon (Mtn. for dec.)
Garrett v. Melhuish (F. C.)
Tyrer v. Broom (Mtn. for dec.)
Bell v. Kettlewell (do.)
De Dopff v. Derbyshire, Staffordshire, and Worcester Junction Railway Company (Cause)
Platts v. Platts (F. C.)
Gratrix v. Chambers (do.)

Fripp v. Douglass (Cause)
Wakefield v. Dyott (Sp. case)
Underwood v. Frost (F. C.)
Owen v. Owen (Mtn. for dec.)
Morris v. Morris (F. C.)
Hipkins v. Whitmore (Mtn. for dec.)
Meek v. Ward (F. C. & sumns.)
Collard v. Roe (F. C.)
Daniells v. Watkins (Mtn. for dec.)
Sidney v. Richards (Cause)
Llewellin v. Llewellin (Claim)
Doyle v. Nicholls (Mtn. for dec.)
In re Jones (F. C. from chambers & Mtn.)
Jones v. Jones
Fox v. Earl of Chichester (Mtn. for dec.)
Farrer v. Smith (do.)
Morgan v. Atkinson (Cause)
Bachoffner v. Bachoffner (F. C.)
Jackson v. Burnett (Mtn. for dec.)
Tredwell v. Ireland (Cause)
Johnson v. Johnson (F. C.—sht.)
Barnett v. Lazarus (Mtn. for dec.)
Wilson v. Edmondson (F. C.)
Holgate v. Edmondson
Heginbottom v. Stopford (do.)
Younghusband v. Carlisle & Silloth Bay Railway & Dock Co. (do.)
Henton v. Mawe (Cause)
Twynam v. Cooke (F. C.)
Ley v. Wolston (F. C.—sht.)
Blower v. Blower (F. C. & mtn.)
Prichard v. Kindle (Mtn. for dec.)
Nowell v. Nowell (F. C.)
Brockman v. Jones (Mtn. for dec.)
Lazarus v. Barnett (do.)
Jones v. Vaughan (F. C.)
Emmett v. Campbell (Claim)
Greenway v. Greenway (Mtn. for dec.)
Crutch v. Crutch (F. C.)
Clarke v. Bayne (Mtn. for dec,)
Phillips v. Richards (do.)
Keedwell v. King (Cause)
Pearse v. Taylor (F. C.)
Illingworth v. Walker (Mtn. for dec.)

Vice-Chancellor Sir WILLIAM P. WOOD.

Causes, &c.

Att.-Gen. v. Merchant Taylors' Company (exons. to answer of Merchant Taylors' Company) (part heard)
Att.-Gen. v. Merchant Taylors' Company (exons. to answer of Merchant Taylors' Company)
Green v. Moore (Exons. to answer)
Salisbury v. Packman (D.)
Rawson v. The Waterford & Kilkenny Railway Company (do.)
Davies v. Morrison (do.)
Peareth v. Peareth (do.)
Gee v. Johnstone (do.)
Gee v. Johnstone (do.)
Jones v. Noyes (Pl.)
Rogers v. Rogers (Mtn. for dec.)
Harries v. Williams (do.)
Earp v. Lloyd (do.)
Sutton v. Pass (Orig. & suppl. cause)
Jayne v. Harris (Mtn. for dec.)

Aspinall v. The London & North Western Railway Company (F. C. & mtn. to vary cert.)
Jones v. Peppercorne (Cause)
Inman v. Clare (Mtn. for dec.)
Bell v. The Midland Railway Company (do.)
Todd v. Williams (Cause with No. 42)
Lester v. Waterson (Mtn. for dec.)
Clarke v. Young (do.)
Badger v. Shaw (Sp. case)
Gwyn v. Watney (Cause)
Ewing v. Addison (Sp. case)
Cattley v. Arnold (F. C. & ptn.)
Gahagan v. Hinks (Mtn. for dec.)
Mesnard v. Welford (Cause)
Gawen v. Gahagan
Toppin v. Pyke (Mtn. for dec.)
Webb v. Sergeant (do.)
Sergeant v. Webb (do.)

Whalley v. Whalley (Cause)
Vokins v. Gray (Mtn. for dec.)
Thompson v. Nees (do.)
Crowther v. Sutcliffe (F. hearing)
Townshend v. Williams (Cause)
Machee v. Nimmo (Mtn. for dec.)
Grosvenor v. Green (Cause)
Venning v. Lloyd (Mtn. for dec.)
Nicholls v. Elford (do.)
Walrond v. Rosslyn (do.)
King of Oude v. Ood Deen (do.)
Mogg v. Mogg (do.)
Williams v. Todd (Cause)
Richards v. Watkins (do.)
Gosling v. Gosling (Sp. case)
Summers v. King (Mtn. for dec.)
Western Bank of London v. Southall (Cause)
Allen v. Talbot (Mtn. for dec.)
Puxley v. Puxley (do.)
Kipling v. Coulthard (do.)
Solly v. Solly (do.)
Walker v. Williams (Cause)
Packer v. Ingram (Mtn. for dec.)
Blakey v. Purchon (ditto)
Becke v. Becke (Sp. case)
Powell v. Heather (Cause)
Napier v. Routledge (Mtn. for dec.)
Wilson v. Wilson (do.)
Barclay v. Maskelyne (F. C.)
Clarke v. Zotti (do.)
George v. Black (Cause P. C.)
Whapham v. Pim (Mtn. for dec.)
Neale v. Day (Cause)
The Official Manager of the London and Eastern Banking Corporation v. Morris (do.)
Parker v. Watkins (Mtn. for dec.)
Browne v. Hammond (Sp. case)
Orger v. Sparke (Mtn. for dec.)
Carrington v. Brittlebank (Cause)
Heming v. Letchild (do.)
Morris v. Wilson (Mtn. for dec.)
Sunhouse v. Gaitskell (do. & ptn.)
Attorney-Gen. v. London & North Western Railway Co. (Mtn. for dec.)
Jones v. Mingay (do.)

Westby v. Westby (Cause)
Tuckley v. Thompson (Mtn. for dec.)
Williams v. Powell (Cause)
Jones v. Duke of Devonshire (Mtn. for dec.)
Walton v. Hills (Cause)
Barker v. Milner (Sp. case)
Bignold v. Giles (Mtn. for dec.)
Kauward v. Holman (F. C.)
Simpson v. Lister (Mtn. for Dec.)
Thomas v. Bernard (Cause)
Orr v. Dickinson (Mtn. for dec.)
Thomas v. Bernard (do.)
Linskill v. Linskill (Cause)
Thomas v. Macklin (Mtn. for dec.)
Perrot v. Cannan (F. C. short)
Espin v. Pemberton (Mtn. for dec.)
Bradley v. Borlase (Cause)
Reynolds v. Godlee (do.)
Parker v. Lake (F. C.)
Harding v. Smith (do.)
Chittenden v. Lowsley (do.)
Jones v. Pigeon (Mtn. for dec.)
Avison v. Simpson (Sp. case)
Hamilton v. Smith (Cause)
Casson v. Evans (do.)
Arnold v. Chaplin (Mtn. for dec. & 2 ptns.)
Whitmore v. Pepper (Cause)
Sleight v. Lawson (F. C.)
Whitfield v. Saper (Claim)
Watkins v. Eaton (Mtn. for dec.)
Abram v. Hore (Cause P. C.)
Sillitoe v. Stewart (Cause)
De la Rue v. Aldershot Manure Co. Limited (Mtn. for dec.)
Bunny v. Bunny (F. C.)
Falkner v. Equitable Reversionary Interest Society (Cause)
Wycherley v. Barnard (F. C.)
Sandback v. Hill (Mtn. for dec.)
Boughey v. Bradford (Cause)
Attorney-General v. Southall (Mtn. for dec.)
Davidson v. Bearne (do.)
Lavenu v. Fricker (do.)
Brent v. Briggs (Cause)

Queen's Bench.

ENLARGED RULES.—Michaelmas Term, 1858.

To the First Day of Term.

In the matter of an arbitration between Charles Roberts and Mary Eberhardt.

To the Fifth Day of Term.

The Queen v. The Justices of Nottinghamshire.

SPECIAL PAPER.

Dem. The Marquis of Normanby and Others v. The Bristish Guarantee Association (stayed by injunction).
Sp. case. The Great Western Railway Company v. The Midland Railway Company.
" The Company of Proprietors of Waterloo-bridge v. Cull.
Co. Ct. Ap. Saul v. Jones.
Dem. Webster and Another v. Jones and Others.
" Railton v. Jenner.
" The Guardians of the Poor of the Union of Llanfyllin v. Jones and Others (sued with Evans).
Sp. case. Maughan v. Willis and Others.
Dem. Lobb v. Butler, Knt.

NEW TRIAL PAPER.—Easter Term, 1858.

Warwick. Betts v. Clifford.
" Same v. Same.
Carmarthen. Mortimer v. The South Wales Railway Company.

Trinity Term, 1858.

Tried during Term.

Middlesex. Goode v. Job.
London. Saul v. Myatt.

CROWN PAPER.—Michaelmas Term, 1858.

Middlesex. The Queen on the prosecution of the Churchwardens and Overseers of Hampton, Appellants, v. The Company of Proprietors of the West Middlesex Waterworks, Respondents.
Bedfordshire. The Queen v. The Luton, Dunstable, and Welwyn Junction Railway Company.
Chester. W. L. Jones, Appellant, v. E. H. Taylor, Respondent.
Lincolnshire. John Chapman, Appellant, v. John Robinson, Respondent.
Devon. John Temple, Appellant, v. The Rev. T. G. Dickinson, Respondent.
Metropolitan Police District. Douglas Labolmondiere, Appellant, v. John Addison, Respondent.
Staffordshire. Joseph Athersmith, Appellant, v. Robert Drury, Respondent.
Cheshire. Edward Wilson, Appellant, v. The Surveyor of the Highways of Wharton, Respondent.
" Edward Wilson, Appellant, v. The Churchwardens of Wharton, Respondents.
Worcestershire. Elizabeth Green, Appellant, v. Thomas Pensam, Respondent.
Derbyshire. John Tomlinson, Appellant, v. George Jerman, Respondent.
Staffordshire. Joseph Clewlow, Appellant, v. The Parish Officers of Bilston, Respondent.
" The Commissioners of Walsall Improvement and Market Act, 1848, Appellants, v. Thomas Highway and Another

Bury St. Edmunds. } The Queen *v.* The Inhabitants of Braintree, Essex.
Staffordshire. } Thomas Millard, Appellants, *v.* Martin Kelly, Respondent.
Lancashire. } John Venables, Appellant, *v.* James Hardcastle, Respondent.

Common Pleas.

ENLARGED RULES.—Michaelmas Term, 1858.

REMANET PAPER.

To the First Day of Term.

In the arbitration between Atkinson and Fawcett and Others.
Shadwell *v.* Shadwell and Another, Executor, &c.

To the Sixth Day of Term.

In the matter of the complaint of Baxendale and Others *v.* The Great Western Railway Company.

Until Application to Court of Chancery disposed of.

Nutt *v.* Midland Railway Company.

To Fourth Day of Term next after Trial.

Slipper *v.* Back.
Erwin *v.* Back.

Until Proceedings in Chancery disposed of.

Walter and Ux *v.* Whitaker.

Until Judgment given in House of Lords.

Broadbent *v.* Imperial Gas Light and Coke Company.

Tuesday, Nov. 2.....
Wednesday, „ 3.....
Thursday, „ 4.....
Friday, „ 5.....
Monday, „ 8..... } Motions in arrest of Judgment. Special Arguments.

Dem. Perand and Others *v.* Bischoffsheim and Others (June 4).
Case Bickerstaff and Others *v.* Grimes and Others.
„ Micklethwait *v.* Micklethwait.
„ Marquis of Salisbury *v.* The Great Northern Railway Company.
Case & Dem. Bottomley, jun., *v.* Nuttall.
Dem. Legg *v.* Cheesebrough and Another.
„ Cannon *v.* Sari and Others.
Appeal from Magistrates. } Hughes and Others, Churchwardens, Appellants; Denton Clerk, &c., Respondent.
„ Edleston, Appellant; Francis, Respondent.
„ Atkinson, Appellant; Sellers, Respondent.

Friday, Nov. 12.....
Monday, Nov. 15..... } Special Arguments.
Friday, Nov. 19.....

NEW TRIALS.—Michaelmas Term, 1857.

Chester. Highfield and Others *v.* Massey and Others, to stand over till Egerton and Ux. *v.* Massey and Others in Error, is disposed of.

Easter Term, 1858.

Middlesex. Simmons *v.* Heseltine.
London. Babbidge *v.* Henderson and Another.
„ Beckle *v.* Page and Another.
„ Fitzgerald and Others *v.* Dressler.

Cur. ad vult.

Kempton *v.* Theobald.
In re Nicholson, jun., *v.* Great Western Railway Company.
Baxendale and Others *v.* The Same.
Greenough *v.* Eccles and Others.
Ingham *v.* Primrose.
Brown, Appellants, *v.* Nicholson, Respondents.
Josh *v.* Josh.

Births, Marriages, and Deaths.

BIRTHS.

BELFOUR—On Oct. 26, at Grove-house, Putney, the wife of Edmund Belfour, Esq., of a daughter.
FORSTER—On Oct. 23, at 41 Kensington-park-gardens, the wife of W. Forster, Barrister-at-Law, Esq., of a daughter.
HALLWARD—On Oct. 18, at Sandown, Isle of Wight, the wife of Charles Berners Hallward, Esq., 13 Royal-crescent, Notting-hill, and 5 Mitre-court, Temple, of a son.
KING—On Oct. 23, at Duppa's-hill-terrace, Croydon, the wife of George Farquharson King, Esq., of a son.
MURRAY—On Oct. 22, at 3 Somers'-place, Hyde-park, the wife of William Powell Murray, Esq., of Lincoln's-inn, of a son.
NEATE—On Oct. 22, the wife of Mr. John Neate, of 25 Abbey-road, St. John's-wood, and of Orchard-street, Portman-square, of a son.
TURNER—On Oct. 29, at 6 Kensington-gate, Hyde-park, the wife of Albert Turner, Esq., of a son.

MARRIAGES.

ALSTON—LUCAS—On Oct. 19, at the Holy Trinity church, Upper Tooting, by the Rev. Henry Maddock, assisted by the Rev. E. D. Cree, the incumbent, the Rev. Albert Alston, curate of All Saints', St. John's-wood, to Emily Sarah, eldest daughter of Joseph Lucas, Esq., of Upper Tooting.
HAYNES DE CARTERET—On Oct. 22, at St. Saviour's, Jersey, by the Very Rev. the Dean, Joseph Bayley, youngest son of Joseph Bayley Haynes, Esq., Middle Temple, of Denbigh-street, South Belgravia, late of Winterton, Hants, to Mary Leonore, eldest daughter of the late Hugh de Carteret, Esq., of Colomberie, Jersey.
MICHELL—CROSSE—On Oct. 21, at St. Margaret's, Westminster, Edmund R. Michell, Esq., late Acting Harbour Master, Marine Magistrate, &c., of Hong Kong, to Susannah Maria, only daughter of the late William Crosse, Esq., of Chancery-lane, Solicitor, and granddaughter of the late Hammond Crosse, Esq., of Kensington, J. P. for the county of Middlesex.
MOLONY—GAYER—On Oct. 13, at the church of St. Peter, Dublin, by the Ven. the Archdeacon of Kilfenora, Frederick Beresford Molony, Esq., Madras Civil Service, to Eleanor Jane, eldest daughter of A. E. Gayer, Esq., Q.C., of Upper Mount-street, Dublin.
SMITH—TASKER—On Oct. 26, at St. Nicholas church, Gloucester, by the Rev. W. Balfour, incumbent, Thomas Smith, Esq., Solicitor, to Emily Lucy, youngest daughter of the late Charles Tasker, Esq., both of Gloucester.
SWABY—MEYRICK—On Oct. 27, at St. Mary's church, Kensington, by the Rev. Thomas Pearson, M.A., George Swaby, Esq., late Captain, Military Train, and formerly of the 18th Royal Irish, to Ethel Margaretta, only daughter of the late W. Meyrick, Esq., Barrister-at-Law, and grand-niece of the late Henry, 14th Viscount Hereford.
WILLIAMS—WILSON—On Oct. 19, at Upton-cum-Chalvey, J. M. Williams, eldest son of J. J. Williams, Esq., Barrister-at-Law, to Caroline Anna Wilson, only daughter of W. W. Wilson, Commander, R.N., and granddaughter of Sir C. H. Palmer, Dorney Court.

DEATHS.

VAN SANDAU—On Oct. 26, at 1 Great Coram-street, Andrew Barnard, eldest son of Andrew van Sandau, Esq., aged 20.

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

Caslon, Catherine Eliza, Spinster, Denmark-hill, Camberwell, £7 per annum Long Annuities, ending Jan. 5, 1860.—Claimed by Thomas Augustus Evitt, surviving executor.
Clark, Sir James, Bart., George-street, Hanover-square, £276 : 6 : 5 New 3½ per Cents.—Claimed by Sir James Clark.
Gilliatt, Mary Ann, wife of Alfred Gordon Gilliat, Esq., of Pau, in France, and John Wardell, Esq., Alscot's-terrace, New-road, £1801 : 16 : 0 Consols.—Claimed by Mary Ann Gilliatt.
Heimuck, William, Esq., Merevale, Staffordshire, and John Newdigate Ludford Chetwode, Esq., Ansley-hall, parish of Ansley, Warwickshire, Two Dividends on certain sums of 3½ per Cents.—Claimed by John Newdigate Ludford Chetwode.
Joseph, Solomon Israel, Esq., New York, America, and Emily Joseph, his wife, £300 Consols.—Claimed by Solomon Israel Joseph, the survivor.
King, John, Yeoman, Beckside, Cartmell, Lancashire, £1450 New 3½ per Cents.—Claimed by William Field, his surviving executor.
Lane, Amy, wife of Rev. William Lane, Wells, Somersetshire, £1000 Reduced.—Claimed by James Davies Lane, administrator.
Moilliet, John Lewis, Merchant, Birmingham, £3010 4 per Cents.—Claimed by James Moilliet and Theodore Moilliet, the executors.
Mozeen, Thomas, Gent., Bread-street, Cheapside, £1180 New 3½ per Cents.—Claimed by Thomas Benn Sowerby, executor of Richard Philip Higham, who was surviving executor of said Thomas Mozeen.
Ray, Joseph, Gent., Kennington, Surrey, £4200 New 3½ per Cents.—Claimed by John Adams Ray, one of his executors.
Shaw, John Hope, Solicitor, Leeds, and William Osburn, jun., Wine Merchant, Leeds, £440 : 15 : 5 Consols.—Claimed by John Hope Shaw and William Osburn, jun.
Sheldon, Marcella, Widow, Bralles, Warwick, £2007 : 10 : 7 New 3½ per Cents.—Claimed by Sir Thomas Gladstone, Bart., her acting executor.
Smith, Elizabeth, Widow, Southampton, £69 : 13 : 6 Consols.—Claimed by Elizabeth Smith.
Thompson, Thomas, Gent., Stainton, Cumberland, and Paul Thompson, Yeoman, Pedrudock, Cumberland, £105 : 2 : 9 Consols.—Claimed by Thomas Thompson and Paul Thompson.
Wilkes, James, Surgeon in the Royal Navy, £300 New 3½ per Cents.—Claimed by Augustus Romaine Grant de Vaux, administrator with the will annexed.

Heirs at Law and Next of Kin.

Advertised for in the London Gazette *and elsewhere during the Week.*

Greenwood, Phillis, Widow, whose maiden name was Moriarty, late of 4 Chartham-terrace, Ramsgate, and who died on or about Sept. 1, 1858. Her next of kin to apply to the Solicitor of the Treasury, Whitehall.
Hand, Elizabeth (afterwards married to a person named Miller), who formerly lived with her father, at a house in Kew-lane, opposite the King's Kitchen Garden. She had two brothers—one a painter, the other a coachman; also a sister, married to a person named Wood—all since dead. Her next of kin to apply to W. Lawson, Esq., London-bridge.
Osborn, John, and Edward Osborn. John Osborn resided at Tylehurst, near Reading; in 1743 he intermarried with Elizabeth Lovegrove, by whom he had two Children, James Osborn and Elizabeth Osborn; John Osborn died in 1770. Edward Osborn resided at Tylehurst; and in 1748 married Sarah Sky, by whom he had five children, Charles Osborn, Obed Osborn, Thomas Osborn, Edward Osborn, and Ann Osborn: Edward Osborn died in 1808. Their next of kin to apply to Vallance & Vallance, Solicitors, 20 Essex-street, Strand.

Money Market.

CITY.—Friday Evening.

The Directors of the Bank of England are daily informed by the press that it is their duty to reduce their rate of discount to a lower figure than 3 per cent. According to appearances in the market, such reduction would be consistent with the resources of the Bank, and with the present value of money; but at this moment foreign exchanges are weaker, and incoming supplies of gold are drawn to the Continent and to Turkey. The Directors have the best means of forming a sound judgment, and their meeting yesterday passed without any alteration.

The English funds closed to-day with symptoms of heaviness, and money is more in demand on the Stock Exchange. The closing money price of Consols is 98⅛ to 98¼ per cent., being ⅛ lower than this day week. From the Bank of England return for the week ending the 27th inst., it appears that the amount of

notes in circulation is £21,224,860, being a decrease of £271,305, and the stock of bullion in both departments is £19,132,476, showing a decrease of £144,084 when compared with the previous return. The present requirement of gold from England to Constantinople, on account of the Turkish Loan, amounts to £450,000. This operation depresses the rate of Exchange.

A meeting of great importance to the holders of South Western Railway Stock was held on Wednesday last, Mr. W. J. Chaplin presiding. The objects which the meeting had to decide were—the expediency of taking, 1st, a lease of the Staines and Wokingham Railway, eighteen miles in extent, which was readily agreed to; and 2nd, the much more weighty affair of taking a perpetual lease of the Portsmouth line, extending from Godalming to Havant, near Portsmouth. It is a single line of rail, thirty-two miles in length. Its directors have, notwithstanding the strenuous opposition of the Brighton Company and the South Western Company, brought their line into a state ready for opening. It will make the distance from Portsmouth to London, by Guildford and the South Western, 73 miles, whereas the existing lines, by Bishopstoke on the one hand, and by Brighton on the other, are each 94½ miles. On this question a discussion took place, which manifested the vital importance of various considerations relating to the proposed plan. If the line is not adopted by the South Western Company, it would go into the hands of the Brighton Company, or be brought to a junction with the South Eastern Company's line from Reigate to Reading. The Brighton Company have already a share in the Portsmouth traffic. The directors of the South Western assure the shareholders of an earnest desire on their part to remain on friendly terms with the Brighton Company. The discussion resulted in resolutions to accept a lease of the Portsmouth line and all its parliamentary rights, for the term of 999 years, at the rent of £18,000, as recommended by the directors. Circumstances which appeared in the course of the discussion made it apparent that there is really no suitable alternative, and that a very strong necessity exists for combining this direct Portsmouth line in the South Western system. The quotation of South Western stock continues nearly as before.

It is stated that the liquidators of the Western Bank of Scotland have resolved to institute a prosecution against the directors of the Bank; and that the legal proceedings shall be conducted out of Glasgow. Up to last Wednesday the sum paid in anticipation of the £100 per share call, which should realise one million, amounts to about £280,000. The call is due on Monday next.

Railway Stock.

Railways.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Birk. Lan. & Ch. Junc.	..	..	..	..	..	..
Bristol and Exeter	..	..	92½	..	92½	91¾
Caledonian	85¼	85⅛ ¼	85¼ ⅛	85⅛ 5 ¼	86 5⅛	85 ⅛ ¼
Chester and Holyhead	..	..	..	..	..	36½
East Anglian	..	..	..	..	..	..
Eastern Counties	61¾	62 1⅞	62⅛ ⅛ 2	62 ⅛	62⅛	62⅛
Eastern Union A. Stock	..	..	..	..	..	..
Ditto B. Stock	..	..	..	30	..	..
East Lancashire	..	..	03⅛ 3	..	..	..
Edinburgh and Glasgow	..	..	..	..	..	..
Edin. Perth, and Dundee	..	27	..	..	27⅛	27
Glasgow & South-Westn.	..	..	..	..	..	..
Great Northern	105	..	105 4⅛	105 4⅛	..	104⅝5⅛
Ditto A Stock	86¼ 7⅛	87	..	88⅛	89⅛ 90	89 90
Ditto B. Stock	..	..	..	130½	..	103
Gt. South & West. (Ire.)	..	..	..	..	103⅛	..
Great Western	55⅝ ⅛ ⅜	56 ⅛ 5⅛	55⅝ ⅛ ⅛	55⅛ ⅛ 6	56 5⅛	55⅝
Do. Stour Vly. G. Stk.	..	53	..	..	..	..
Lancashire & Yorkshire	95⅝	95⅛ 5	95	95 6	95⅛	95⅝
Lon. Brighton & S. Coast	..	..	111 10⅜	111⅛ 11	..	110⅛ ⅛
London & North-Westrn.	90⅞ ⅛	90⅛ ⅞ ⅜	90⅝ ⅛ ⅛	90⅛ ⅛ ⅜	90⅜ ⅛	90⅛ ⅛ 1
London & South-Westrn.	94	93½	93⅝ ⅛ ⅜	..	94⅛ 3⅛	93⅛ 93⅛
Man. Sheff. & Lincoln	..	35½	36 5⅛	..	..	36
Midland	97⅛	97⅛ ⅛	97⅛ ⅛	97⅛ 8	97⅞ ⅛	97⅛
Ditto Birm. & Derby	69	68	67⅜	..	..	69 ⅛
Norfolk	..	64⅛ 4	..	..	..	..
North British	57⅛	57⅛ 4 3⅛	56⅜ ⅛ 7	56⅛ 6 7	57⅛ ⅛ ⅛	57 ⅛
North-Eastern (Berwck.)	93¼ ⅛	..	93⅛ ⅛	93⅛ 3 ⅛	94⅛ 4	93 ⅛
Ditto Leeds	..	..	..	..	..	47 ⅛
Ditto York	77 6⅜	..	76⅛ 6 ⅛	76 ⅛	77⅛	76 ⅛
North London	..	..	101	..	..	102
Oxford, Worc. & Wolver.	..	38	..	..	38	..
Scottish Central	..	..	..	..	..	..
Scot. N.E. Aberdeen Stk.	27⅛	27⅛	..	..	..	..
Do. Scotsh. Mid. Stk.	..	62⅛	..	..	..	..
Shropshire Union	..	43	..	..	..	..
South Devon	..	..	..	..	..	..
South-Eastern	..	74⅛ ⅛	74⅛ ⅛	74⅛	75⅛	..
South Wales	..	..	..	..	..	..
Vale of Neath	..	..	..	..	..	..

English Funds.

English Funds.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Bank Stock	222 4	222½ 4½	225	..	224	225 6
3 per Cent. Red. Ann.	97 ⅛	97⅛ ⅛ 7	97 ⅛	97⅛ 7 ⅛	97⅛ ⅛ ⅛	97 ⅛
3 per Cent. Cons. Ann.	98⅛ ⅛	98⅛ ⅛ ⅜	98⅛ ⅛ ⅛	98⅛ ⅛	98⅛ ⅛ ⅛	98⅛ ⅛ ⅜
New 3 per Cent. Ann.	97 ⅛	97⅛ 7	97⅛ 7	97⅛ 7	97⅛ ⅛ ⅛	97⅛ 7
New 2½ per Cent. Ann.	..	..	..	..	62⅜	..
Long Ann. (exp. Jan. 5, 1860)	..	1 3-16	..	1⅛ 3-16	..	..
Do. 30 years (exp. Jan. 5, 1860)	..	..	15-16	1 7-16	..	..
Do. 30 years (exp. Jan. 5, 1880)	14⅜	..	..	..	..	..
Do. 30 years (exp. Apr. 5, 1885)	18⅛	..	18⅛	18 5-16	18-3-16	..
India Stock	..	..	234 3	236 25	..	235⅛ 7
India Loan Debentures	99⅜	99⅜	99⅜	99⅜	99⅜	99⅜
India Scrip, Second Issue	99⅛	99⅛ ⅜	99⅛ ⅛	99⅛ ⅛	..	99⅛
India Bonds (£1,000)	13 12s p	10 12s p	..	14 12s p	12s p	14 12s p
Do. (under £500)	..	..	13 14s p	14 11s p	14s p	11 14s p
Exch. Bills (£1000) Mar.	41 40s p	38s 37s p	40 37s p	40 37s p	40 37s p	40s p
Ditto June	33 31s p	31 34s p	34s p	..	31s p	31 34s p
Exch. Bills (£500) Mar.	..	..	..	..	40s 37s p	..
Ditto June	..	..	..	..	31s p	..
Exch. Bills (Small) Mar.	..	..	..	..	..	37s p
Ditto June	..	..	..	..	..	..
Do. (Advertised) Mar.	..	..	..	..	..	..
Ditto June	..	..	..	..	..	..
Exch. Bonds, 1858, 3½ per Cent.	..	..	..	..	..	..
Exch. Bonds, 1859, 3½ per Cent.	..	..	100⅛ ⅛	..	..	100⅛

Estate Exchange Report.

(For the week ending October 15, 1858.)

At the Mart.—By Messrs. Moore & Temple.

Leasehold Houses, Nos. 48 & 49, Bingfield-street, with spacious timber-yard, workshops and premises; also, Nos. 29 & 37, Storey-street, Islington; together with the range of coach-houses, stabling, &c., known as "Spiller's Mews;" term, about 86 years unexpired; ground-rents, £24; producing £358 per annum.—Sold for £1660.

Leasehold Houses, Nos. 9 & 10, Vine-street-terrace, Waterloo-road; let at £54 per annum; term 45 years from Christmas next; ground-rent, £9.—Sold for £400.

Copyhold Residence, Brooksby's-walk, Homerton.—Sold for £390.

Copyhold Residence, No. 5, Brooksby's-walk, adjoining the above; let at £28 per annum.—Sold for £320.

Leasehold Residence, No. 2, Barnsbury-terrace, Islington; let at £43 per annum; term, 52 years unexpired; ground-rent, £1 : 12 : 0.—Sold for £440.

Leasehold House, No. 54, Spencer-street; let at £44 per annum; term, 26½ years unexpired; ground-rent, £8 : 8 : 0.—Sold for £265.

Freehold Houses, Nos. 5 & 6, Trafalgar-street, near Church-street, Shoreditch; also a piece of ground at the rear; producing together £37 : 5 : 0 per annum.—Sold for £230.

Freehold Ground-rent of £5 per annum, secured upon Nos. 15 & 16, Meadstreet, Shoreditch, with reversion in about 9 years.—Sold for £90.

By Messrs. Peter Broad & Pritchard.

Leasehold, Eight Houses and Premises in Adelaide-road, Haverstock-hill, Middlesex; held for 99 years from Lady-day, 1843; ground-rent, £18 per annum; underlet at £109 per annum.—Sold for £1100.

Leasehold Houses, Nos. 10, 11, & 12, Adelaide-road; term, 95½ years from Lady-day, 1844; ground-rent, £11 : 10 : 0; let at £124 per annum.—Sold for £1060.

Leasehold, Nos. 14, 15, & 16, Adelaide-road; same term; free of ground-rent; let at £55 per annum.—Sold for £800.

Leasehold Improved Ground-rent, £15 per annum, arising from Nos. 4 to 8, Francis-terrace, Hampstead-road; term, 87 years from Christmas, 1843.—Sold for £270.

Leasehold Residence, Fern-house, Blackheath, Kent; term, 64 years from Lady-day, 1850; ground-rent, £6; let at £55 per annum.—Sold for £420.

Leasehold House, No. 2, Myrtle-villas, Blackheath; same term; ground-rent, £4; let at £36 per annum.—Sold for £355.

Leasehold Residences, Nos. 3 & 4, Myrtle-villas, Blackheath; same term; ground-rent, £7; let at £62 per annum.—Sold for £553.

By Messrs. Gadsden, Winterflood, & Ellis.

The Porkellis United Mines, Wendron Moors, Cornwall, also, the valuable machinery and materials; held for 21 years from 1851, at sleeping rents of £100 per annum; royalties of one-eighteenth and one-twentieth, and water-rates of £20 per annum.—Sold for £1700.

At Garraway's.—By Mr. Gaisdner.

Leasehold Business Premises, No. 234, Tottenham-court-rd.; term, 16 years from Michaelmas last; rent, £91 : 7 : 0 per annum.—Sold for £85.

On the Premises.—By Mr. Fred. Godwin.

Leasehold Residence, No. 8, Charles-street, Lowndes-square; term, 70½ years from Michaelmas, 1838; ground-rent, £18 per annum.—Sold for £1800.

Leasehold Stable, in rear of above, No. 8, Charles-mews; same term; ground-rent, £2.—Sold for £305.

At the Mart.—By Messrs. Norton, Hoggart, & Trist.

Freehold House and Premises, No. 54, Coleman-street, City; let at £50 per annum.—Sold for £970.

Freehold House with Shop, No. 53, Coleman-street; let at £60 per annum.—Sold for £1260.

Freehold Beer-house, and Five small Cottages with gardens, Chapel-place, Willesden; let at £30 per annum.—Sold for £640.

Freehold Dwelling-house, No. 3, College-place, College-street, Highbury-vale; let at £16 per annun.—Sold for £230.

Freehold Residence, North-terrace, Camberwell, Surrey; let at £50 per annum.—Sold for £800.

By Mr. Frederick Priest.

Freehold Dwelling-house, 17½, James-street, Kensington; let at £15:12:0 per annum.—Sold for £215.

Leasehold Dwelling-house, South End, James-street, Kensington; let at £20 per annum; term expires Lady-day, 1877; ground-rent, £4.—Sold for £120.

By Mr. Bray, jun.

Leasehold Residence, No. 3, Gower-street North; also a plot of ground in the rear, with the buildings thereon, the whole producing £134 per annum; the residence held for 86½ years from March, 1821; piece of ground, &c., 74¼ years from June, 1823; ground-rent, £20:16:0.—Sold for £990.

Leasehold House, with Shop, No. 10, York-place, Westminster-road; held for 61 years from June, 1849, at £6 per annum; estimated value, £70 per annum.—Sold for £500.

Freehold Rent-charge of £30 per annum, secured upon No. 10, St. Mary-Axe, Nos. 1 & 6, Greyhound-alley, City, and other property.—Sold for £380.

Freehold House and Shop, No. 9, High-street, Islington; let at £35 per annum.—Sold for £660.

Freehold House and Shop, No. 10, High-street, Islington; let at £35 per annum.—Sold for £510.

Freehold Tenements, Nos. 3, 4, 5, 6, 7, 8, 11, 12, 13, 14 & 15, Rose and Crown-court; let on lease at £35 per annum.—Sold for £400.

Leasehold, two Cottages, with gardens, Beddington-corner, near Carshalton, Surrey; held for 990 years from Midsummer, 1793, at a peppercorn; also a plot of land, held for 500 years from Midsummer, 1683, free of rent; the whole let on lease, at £15 per annum.—Sold for £210.

At Garraway's.—By Mr. Harding.

Leasehold Residence, Nos. 1 to 6, Canterbury-terrace, near Upper Bland-street, Dover-road, Surrey; let at £110:10:0 per annum; held for 38 years from Michaelmas, 1858, at a rent of £22:18:0 per annum.—Sold for £805.

London Gazettes.

New Members of Parliament.

Tuesday, *Oct.* 26, 1858.

Borough of Leominster.—Capt. Hon. Charles Spencer Bateman Hanbury, of Shobden Court, Herefordshire, *vice* John Pollard Willoughby, Esq., who has accepted the office of Member of the Council of India. Oct. 23.

Borough of Reigate.—Hon. William John Monson, of Gatton, Surrey, *vice* Sir Henry Crewicke Rawlinson, K.C.B., who has accepted the office of Member of the Council of India. Oct. 25.

Borough of Guildford.—Guildford Onslow, Esq., of Upton House, Alresford, co. Southampton, *vice* Ross Donnelly Mangles, Esq., who has accepted the office of Member of the Council of India. Oct. 26.

Bankrupts.

Tuesday, *Oct.* 26, 1858.

BOXELL, John, Commission Agent, Hephzibah-ter., Grange-rd., Dalston. *Com.* Evans: Nov. 4, at 12.30; and Dec. 9, at 12; Basinghall-st. *Off. Ass.* Johnson. *Sols.* George & Downing, 5 Size-lane. *Pet.* Oct. 23.

BUNTING, Edward Hunn, Draper, Wells, Norfolk. *Com.* Fonblanque: Nov. 5, at 12.30; and Dec. 7, at 12; Basinghall-st. *Off. Ass.* Stansfeld. *Sols.* Sole, Turner, & Turner, 68 Aldermanbury; or Miller, Son, & Bugg, Norwich. *Pet.* Oct. 16.

COLLINS, Edwin, Market Gardener, Old Kent-rd., Peckham. *Com.* Fane: Nov. 5, at 11; and Dec. 10, at 11.30; Basinghall-st. *Off. Ass.* Cannan. *Sol.* Simpson, 13 Wellington-st., London-bridge. *Pet.* Oct. 26.

HILL, Joshua, Joiner, Fairfield, near Liverpool. *Com.* Perry: Nov. 5 & 30, at 11; Liverpool. *Off. Ass.* Bird. *Sol.* Ewer, Liverpool. *Pet.* Oct. 21.

HOLDEN, George, sen., & George Holden, jun., Penholder Manufacturers, Brook-st., St. Paul, Birmingham. *Com.* Balguy: Nov. 10 and Dec. 10, at 10; Birmingham. *Off. Ass.* Kinnear. *Sols.* Powell & Son, Birmingham. *Pet.* Oct. 23.

KEMP, Thomas, Maltster, Loose, Kent. *Com.* Fane: Nov. 5, at 2; and Dec. 10, at 12; Basinghall-st. *Off. Ass.* Whitmore. *Sols.* Parker & Lee, 18 St. Paul's-churchyard, London; or Hinds, Goudhurst, Kent. *Pet.* Oct. 22.

M'LELLAN, Lydia, Innkeeper, Mostyn Arms-hotel, Llandudno, Carnarvonshire. *Com.* Perry: Nov. 8, at 12; and Nov. 29, at 11; Liverpool. *Off. Ass.* Cazenove. *Sols.* Fletcher & Hull, North John-st., Liverpool; or Jones, Bangor. *Pet. for Arrngmt.* Sept. 1.

MAHON, William Gun, Bill Broker, 41 Upper Berkeley-st. West, Connaught-sq., Middlesex, and Beach House, Dawlish, Devon. *Com.* Fane: Nov. 5, at 1; and Dec. 10, at 11; Basinghall-st. *Off. Ass.* Cannan. *Sol.* Chidley, 10 Basinghall-st. *Pet.* Oct. 23.

MILLS, William, Watch Maker, Tamworth. *Com.* Balguy: Nov. 12 and Dec. 3, at 11.30; Birmingham. *Off. Ass.* Whitmore. *Sols.* Sanders, or Hodgson & Allen, Birmingham. *Pet.* Oct. 22.

Friday, *Oct.* 29, 1858.

COCKSEDGE, Abraham, Carpenter, 16 Collingwood-st., Blackfriars, and 6½ Oxford-market, St. Marylebone. *Com.* Evans: Nov. 5, at 11.30; and Dec. 9, at 1; Basinghall-st. *Off. Ass.* Bell. *Sol.* Branscomb, Raquet-ct., Fleet-st. *Pet.* Oct. 23.

COLBECK, John, Grocer, Lower Bebbington, Cheshire. *Com.* Perry: Nov. 11 and Dec. 2, at 11; Liverpool. *Off. Ass.* Bird. *Sol.* Jones, Liverpool. *Pet.* Oct. 26.

GOULDING, James, Grocer, Carlisle & Dalston, Cumberland. *Com.* Ellison: Nov. 8 and Dec. 8, at 11.30; Royal-arcade, Newcastle-upon-Tyne. *Off. Ass.* Baker. *Sols.* S. & J. Saul, Carlisle; or Watson, Newcastle-upon-Tyne. *Pet.* Oct. 18.

GURNEY, Joseph Randall, Farmer, Chalfont St. Giles, Bucks. *Com.* Evans: Nov. 12, at 1.30; and Dec. 16, at 12; Basinghall-st. *Off. Ass.* Johnson. *Sols.* Lotus & Young, New-inn, Strand. *Pet.* Oct. 29.

HARNDEN, Joseph, Eating-house Keeper, 4 Ivy-lane, now residing at Brompton, Kent. *Com.* Fonblanque: Nov. 12, at 12.30; and Dec. 10, at 1.30; Basinghall-st. *Off. Ass.* Stansfeld. *Sols.* Doyle, 2 Verulam-bldgs., Gray's-inn, London; or Morgan, Maidstone. *Pet.* Oct. 26.

HENCHLEY, Richard, Ironfounder, Derby. *Com.* Balguy: Nov. 11 and Dec. 9, at 10.30; Shire-hall, Nottingham. *Off. Ass.* Harris. *Sol.* Gamble, Derby. *Pet.* Oct. 26.

HENDERSON, Robert, Cabinet Maker, Newcastle-upon-Tyne. *Com.* Ellison: Nov. 10, at 12.30; and Dec. 10, at 1; Royal-arcade, Newcastle-upon-Tyne. *Off. Ass.* Baker. *Sols.* Sydney & Son, 46 Finsbury-circus, London; or Joel, Newcastle-upon-Tyne. *Pet.* Oct. 19.

HORD, Charles Walter, Music Seller, Stevenage, Herts. *Com.* Fane: Nov. 12, at 12; and Dec. 10, at 1; Basinghall-st. *Off. Ass.* Whitmore. *Sol.* Capes, 1 Field-ct., Gray's-inn. *Pet.* Oct. 28.

HUMPHREYS, William Chilton, Coal Merchant, Winchester, Hants. *Com.* Fonblanque: Nov. 4, at 11.30; and Dec. 3, at 11; Basinghall-st. *Off. Ass.* Stansfeld. *Sols.* Shum, Wilson, & Crossman, 3 King's-rd., Bedford-row; or Moberly, Southampton.

KENT, William Canfield, Inn Keeper, Blechingley, Surrey. *Com.* Evans: Nov. 9, at 12; and Dec. 9, at 2; Basinghall-st. *Off. Ass.* Bell. *Sols.* Wright & Bonner, London-st., Fenchurch-st. *Pet.* Oct. 28.

PRINGLE, Elsdon, Ship Owner, Southport, Lancashire. *Com.* Perry: Nov. 10, at 11; and Nov. 29, at 12; Liverpool. *Off. Ass.* Bird. *Sol.* Palgrave, Liverpool. *Pet. for Arrngmt.* Aug. 2.

SAUNDERS, Robert Gilbert (Saunders & Co.), Merchant, 16 Bush-lane, Cannon-st., and of Skinner-st., Snow-hill, Coffee-house Keeper. *Com.* Fonblanque: Nov 12, at 1; and Dec. 12, at 12; Basinghall-st. *Off. Ass.* Graham. *Sols.* Turner & Son, 8 Mount-pl., Whitechapel-rd. *Pet.* Oct. 19.

SMITH, Matthias, Carpet Merchant, Halifax, carrying on business there in co-partnership with George Lee Newell, & Edwin Phillips, jun. (Newell, Smith, & Phillips). *Com.* Ayrton: Nov. 8 and Dec. 6, at 11; Commercial-bldgs., Leeds. *Off. Ass.* Young. *Sols.* Stocks & Franklin, Halifax; or Bond & Barwick, Leeds. *Pet.* Oct. 22.

WARDEN, Edwin, Builder, Birmingham. *Com.* Balguy: Nov. 11 and Dec. 4, at 11.30; Birmingham. *Off. Ass.* Whitmore. *Sol.* Saunders, Birmingham. *Pet.* Oct. 28.

BANKRUPTCIES ANNULLED.

Tuesday, *Oct.* 26, 1858.

GOWLAND, Mary, & George Gowland, Chronometer & Nautical Instrument Makers, Liverpool.— Oct. 23.

SHAW, William, Ironmonger, 24 London-rd., Liverpool.—Oct. 22.

MEETINGS.

Tuesday, *Oct.* 26, 1858.

AULTON, William, & John Sanderson Butler, Lace Manufacturers, Nottingham. *Aud. Accts. & Div.* Dec. 9, at 10.30; Shire-hall, Nottingham. *Com.* Balguy.

BINGHAM, Richard Frank, Confectioner, Nottingham. *Div.* Nov. 18, at 10.30; Shire-hall, Nottingham. *Com.* Balguy.

BOLTON, Thomas, Bookseller, 3 Danes-inn, Strand, and 16 St. Augustine's-rd., Camden-town. *Div.* Nov. 19, at 12; Basinghall-st. *Com.* Goulburn.

BOWBEER, John (Whitwill & Bowbeer), Oil & Colourman, Bristol. *Div.* Nov. 18, at 11; Bristol. *Com.* Hill.

BROWNLOW, William, Grocer, New Basford, Notts. *Aud. Accts. & Div.* Nov. 18, at 10.30; Shire-hall, Nottingham. *Com.* Balguy.

BYWATER, John, Tailor, Nottingham. *Div.* Dec. 9, at 10.30; Shire-hall, Nottingham. *Com.* Balguy.

CHESTERMAN, Edwin, Builder, Banbury. *Div.* Nov. 19, at 11.30; Basinghall-st. *Com.* Goulburn.

DAVIES, Daniel, Wholesale Clothier, Bread-st.-hill. *Div.* Nov. 18, at 12; Basinghall-st. *Com.* Evans.

FLETCHER, John Fletcher, Surgeon, Long Sutton, Lincolnshire. *Div.* Nov. 25, 10.30; Shire-hall, Nottingham. *Com.* Balguy.

GARLICK, Charles, Ironmonger, High-st., Guildford. *Div.* Nov. 19, at 1; Basinghall-st. *Com.* Goulburn.

GREIG, John Peter M'Morland, Cabinet Maker, 21 Bartlett's-bldgs., Holborn, and Wheatsheaf-yard, Farringdon-st. *Div.* Nov. 19, at 12; Basinghall-st. *Com.* Goulburn.

GRIFFITH, Miles, & Philip Pearson, Tailors, New Bond-st. *Further Div.* Nov. 16, 12.30; Basinghall-st. *Com.* Fonblanque.

HEMINGWAY, Benjamin, Painter, Derby (B. Hemingway & Son). *Div.* Nov. 25, at 10.30; Shire-hall, Nottingham. *Com.* Balguy.

HOLCROFT, Tryall, Silk Throwster, Manchester. *Div.* Nov. 19, at 12; Manchester. *Com.* Skirrow.

KNITT, John, Baker, Dunchurch, Warwickshire. *Last Ex.* (previously adjnd. sine die) Nov. 12, at 11.30; Birmingham. *Com.* Balguy.

LAMBERT, Richard Sydney, Dealer in Manure, Prince-st., Bristol. *Div.* Nov. 18, at 11; Bristol. *Com.* Hill.

MERRY, Charles Edward, Grocer, St. Augustine's-parade, Bristol. *Further Div.* Nov. 18, at 11; Bristol. *Com.* Hill.

OGLE, Andrew, James Robinson, & William Ogle, Engineers, Preston (A. Ogle & Co.) *Div.* Nov. 26, at 1; Manchester. *Com.* Skirrow.

PELLING, George, Carpenter, 5 Holloway-pl., Holloway-rd., and 14 Sydney-st., City-rd. *Div.* Nov. 16, at 1; Basinghall-st. *Com.* Fonblanque.

RIMMINGTON, George Hubbard, Grocer & General Dealer, Wymondham, Leicestershire, now a prisoner for Debt in Leicester Gaol. *Aud. Accts. & Div.* Nov. 18, at 10.30; Shire-hall, Nottingham. *Com.* Balguy.

SHAW, William, Bookseller, Lincoln. *Last Ex.* (previously adjnd. sine die), Nov. 10, at 12; Town-hall, Kingston-upon-Hull. *Com.* Ayrton.

SHEPPARD, James, Licensed Victualler, Spread Eagle-hotel, Wandsworth. *Div.* Nov. 19, at 12; Basinghall-st. *Com.* Holroyd.

SMITH, Peter, Licensed Victualler, Earl of Aberdeen, Bridport-pl., Hoxton. *Div.* Nov. 19, at 11; Basinghall-st. *Com.* Goulburn.

TOLLIT, William, Livery Stable Keeper, Yiewsley, Hillingdon, and Uxbridge. *Div.* Nov. 19, at 1; Basinghall-st. *Com.* Holroyd.

TYERS, William, Joiner, Nottingham. *Aud. Accts. & Div.* Dec. 9, at 10.30; Shire-hall, Nottingham. *Com.* Balguy.

WIKMAN, Nils Wilhelm, Ship Chandler, 103 Minories. *Div.* Nov. 17, at 11.30; Basinghall-st. *Com.* Goulburn.

ZUCKER, Lewis, Jeweller, 332 Oxford-st. *Div.* Nov. 17, at 1.30; Basinghall-st. *Com.* Goulburn.

Friday, *Oct.* 29, 1858.

ARMSTRONG, John, Earthenware Manufacturer, South Shields. *Div.* Nov. 23, at 1; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison.

EYKE, Joseph, & Richard Whiffen, Carmen, George-yard, Milton-st. *Further Div.* Nov. 19, at 1; Basinghall-st. *Com.* Fonblanque.

FRANGHIADI, George Constantin, Merchant, Gresham-house, Old Broad-st. (C. Franghiadi Sons). *Div.* Nov. 22, at 12; Basinghall-st. *Com.* Goulburn.

HARRISON, William, Ship Chandler, North Shields. *Final Div.* Nov. 23, at 12; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison.

HILLS, William, Grocer, 6 Harmer-st., Milton-next-Gravesend. *Div.* Nov. 22, at 11.30; Basinghall-st. *Com.* Goulburn.

JONES, George Worrall, Banker, Crickhowell, Brecon. *Div.* Dec. 2, at 11; Bristol. *Com.* Hill.

PELLS, JOHN, Corn and Coal Merchant, Elmswell, Suffolk. *Final Div.* Nov. 22, at 11; Basinghall-st. *Com.* Goulburn.

SMITH, EDWARD, Draper, 11 Castle-sq., Swansea, Glamorganshire. *Further & Final Div.* Nov. 25, at 11; Bristol. *Com.* Hill.

STONE, FREDERICK, Hotel Keeper, Oxford. *Div.* Nov. 20, at 11; Basinghall-st. *Com.* Evans.

STRANGE, EDWARD, Draper, Swindon, Wilts. *Final Div.* Nov. 25, at 11; Bristol. *Com.* Hill.

TURNER, WILLIAM, Sailmaker, North Shields. *Div.* Nov. 23, at 11; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison.

WOLFE, THOMAS, Corn Chandler, Wellington-st., Woolwich. *Div.* Nov. 22, at 12; Basinghall-st. *Com.* Goulburn.

DIVIDENDS.

TUESDAY, *Oct.* 26, 1858.

BLACKWELL, JOHN HOWARD, Smethwick, Stafford, & GEORGE BENNET, Wednesbury, Ironmasters. First, 6*s.* 8*d.*, sep. est. of each. *Kinnear*, 37 Waterloo-st., Birmingham; any Thursday, 11 to 3.

GARDNER, WILLIAM, Miller, Birmingham, formerly of Horley Mill, near Banbury, Oxon. First, 1*s.* 9½*d.* *Kinnear*, 37 Waterloo-st., Birmingham; any Thursday, 11 to 3.

HODGSON, GILBERT, & WILLIAM ATCHESON, Timber Merchants, Sunderland. First and Second, 1*s.* 4*d.*, on new proofs since Nov. 26 last. *Baker*, Royal-arcade, Newcastle-upon-Tyne; any Saturday, 10 to 3.

LENNEY, THOMAS, Dealer in Boots & Shoes, North Shields. First, 4*s.* 11*d.* *Baker*, Royal-arcade, Newcastle-upon-Tyne; any Saturday, 10 to 3.

SOPPET, JAMES GRAY, Miller, North Shields. First, 1*s.* 3*d.* *Baker*, Royal-arcade, Newcastle-upon-Tyne; any Saturday, 10 to 3.

FRIDAY, *Oct.* 29, 1858.

CANTER, BENJAMIN, Cloth Merchant, Barnsley. Second, 8½*d.* *Young*, 5 Park-row, Leeds; any day, 10 to 1.

HERON, WILLIAM, Cloth Merchant, Huddersfield. Second, 1*s.* *Young*, 5 Park-row, Leeds; any day, 10 to 1.

OATES, CHARLES, Woolstapler, Heckmondwike. First, 9*d.* *Young*, 5 Park-row, Leeds; any day, 10 to 1.

SHAW, JAMES. Cloth Merchant, Huddersfield. First, 4*s.* 11*d.* *Hope*, 1 South-parade, Park-row, Leeds; any Saturday, 10 to 12.

SMITH, TILDEN, JAMES HILDER, GEORGE SCHIVENS, & FRANCIS SMITH, Bankers, Hastings. Third, 2*s.* 6*d.* *Whitmore*, 2 Basinghall-st.; at the Swan-hotel, Hastings, on Oct. 30 and Nov. 1 & 2, 10 to 4; or any Wednesday, 11 to 3, at 1 Basinghall-st.

CERTIFICATES.

To be ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting.*

TUESDAY, *Oct.* 26, 1858.

GOMBERT, CHARLES, Milliner, 30 Duke-st., Manchester-sq. Nov. 17, at 12; Basinghall-st.

GRIFFIN, WILLIAM, Manufacturing Stationer, 2 Old Fish-st.-hill, & 130 Fleet-st. Nov. 19, at 2; Basinghall-st.

HEWITSON, JOHN, Mathematical Instrument Maker, Newcastle-upon-Tyne. Nov. 18, at 11; Royal-arcade, Newcastle-upon Tyne.

MAIR, FRANCIS HENRY, & ROBERT HENRY MAIR, Publishers, 22 Henrietta-st., Covent Garden. Nov. 18, at 11.30; Basinghall-st.

MIDDLETON, CHARLES, Builder, Upper North-st., Poplar. Nov. 16, at 1; Basinghall-st.

MILLINGEN, CHARLES, Umbrella & Parasol Manufacturer, 22 Fore-st. Nov. 19, at 12; Basinghall-st.

MORETON, GEORGE, Boot & Shoe Dealer, Liverpool. Nov. 15, at 12; Liverpool.

PEARSON, WILLIAM, Market Gardener, East Bergholt, Suffolk. Nov. 17, at 12.30; Basinghall-st.

PUTTOCK, JOHN, Timber Merchant, 219 Upper Marsh, Lambeth, and Horsham. Nov. 16, at 2; Basinghall-st.

SKERTCHLY, JOSEPH, Civil Engineer, late of 77 Culford-rd., Kingsland, Middlesex, then of Ashby-de-la-Zouch, Dealer in Saggars, now a Prisoner in Leicester Gaol. Nov. 16, at 10; Shire-hall, Nottingham.

STONER, JOHN, & GEORGE STONER, Iron Manufacturers, Grove Iron Works, Smethwick. Nov. 26, at 10; Birmingham.

Friday, Oct. 29, 1858.

ASHTON, GEORGE JOSEPH, & JOHN PROCTER, Merchants, 11 Mark-lane, and Lavender Dock Wharf, Rotherhithe. Nov. 23, at 2.30; Basinghall-st.

COHEN, WOLF, Watchmaker, 57 Market-pl., Sheffield. Nov. 20, at 10; Council-hall, Sheffield.

FOSTER, JOSEPH, Grocer, Little Horton, Bradford, Yorkshire. Nov. 19, at 11; Commercial-bldgs., Leeds.

HORDAY, HENRY NOTT, Tinplate Worker, Birmingham. Nov. 26, at 10; Birmingham.

HOOD, WELLS, Wine, Spirit, & Seed Merchant, York. Nov. 22, at 12; Commercial-bldgs., Leeds.

JESSOP, CHARLES HALE, Seedsman, St. James's-sq., Cheltenham. Nov. 23, at 11; Bristol.

LOCKWOOD, JOHN, Cloth Manufacturer, Mold Green, Yorkshire. Nov. 30, at 12; Commercial-bldgs., Leeds.

SHEARD, JAMES, Corn Factor, Huddersfield. Nov. 22, at 11; Commercial-bldgs., Leeds.

To be DELIVERED, *unless* APPEAL *be duly entered.*

TUESDAY, *Oct.* 26, 1858.

BRADLEY, BENJAMIN, Iron Merchant, Manchester. Oct. 14, 1st class.

CONSTANTINIDI, MICHELE, Merchant, Manchester and Constantinople. Oct. 14, 2nd class.

JONES, RICHARD, Ship Owner, Dolgelly. Oct. 19, 2nd class.

LAIDLAW, ALEXANDER WENTWORTH, Dealer in Cigars, 3 Bury-ct., St. Mary-axe. Oct. 19, 2nd class.

MACHIN, THOMAS, Contractor, Peterborough. Oct. 20, 2nd class.

PARKER, FREDERICK HENRY, & JOHN BALSDON, Wine and Spirit Merchants, Bristol. Oct. 21, 1st class to J. Balsdon.

TETLEY, JOHN HUMPHREYS, Brewer, Hindley. Oct. 19, 2nd class.

WILSON, JAMES, Engineer, Birkenhead. Oct. 8, 3rd class.

FRIDAY, *Oct.* 29, 1858.

ANDREWS, ARCHIBALD COOPER, Tea Dealer, 57 Tottenham-ct.-rd., & 32 Broad-st., Bloomsbury. Oct. 22, 3rd class.

CALDWELL, HENRY CHARLES, Scrivener, late of Singapore, East Indies, now of 39 Kensington-pk.-gardens, Notting-hill. Oct. 21, 2nd class.

CARTER, CHARLES, Sack & Coal Merchant, 30 Terrace, Tower-hill. Oct. 23, 3rd class.

CHAMBERS, CHARLES, jun., Boarding School Keeper, Enfield, Middlesex. Oct. 22, 3rd class.

COX, JOSEPH, Berlin Wool Dealer, 13 William-st., Camden-rd., Holloway, & 16 Park-ter., Regent's-pk. Oct. 22, 3rd class.

EASTHAM, JAMES, & JOSEPH ELLIOTT LAWLEDGE, Calico Printers, 3 Little Carter-lane, and of Phipps-bridge, Mitcham, Surrey. Oct. 22, 1st class to J. Eastham.

FARMER, ADOLPH, Chemist & Druggist, 40 Mount-st., Lambeth. Oct. 23, 1st class.

FLETCHER, HENRY, Woollen Cloth Manufacturer, Painswick, Gloucestershire. Oct. 25, 2nd class, after a suspension of 6 mos., with protection.

GREENFIELD, JAMES HUME, Ship Owner, 21 High-st., Hampstead. Oct. 22, 1st class.

HARRISON, JOSEPH MARTINDALE, Warehouseman, 15 Watling-st. Oct. 23, 2nd class.

HUGHES, JOHN, & THOMAS DYNE STEEL, Engineers, Newport. Oct. 23, 1st class to each.

KNAPP, ALFRED, & ENOCH DAVIES, Builders, Newport. Oct. 25, 2nd class to A. Knapp; and 2nd class to E. Davis, after a suspension of 3 mos.

LANE, ROBERT, Agricultural Implement Maker, Cirencester. Oct. 25, 1st class.

PRESTON, JOHN, Watch Maker, Spalding. Oct. 21, 2nd class.

ROGERS, JOHN, Ship Broker, Newport. Oct. 25, 2nd class, after a suspension of 1 mo.

SALT, HERBERT, Flour Dealer, Everton, near Liverpool. Oct. 15, 3rd class.

SCHEURMANN, GUSTAV, Music Seller, 86 Newgate-st. Oct. 21, 1st class.

SMALL, JOHN, Innkeeper, Pangbourne, Berks. Oct. 23, 1st class.

WAND, EDWARD THURTRAM, Licensed Victualler, Swan with Two Necks, Finchley. Oct. 22, 2nd class.

Professional Partnership Dissolved.

FRIDAY, *Oct.* 29, 1858.

ROSE, RICHARD, JOSEPH PARROTT, & THOMAS PARROTT, Attorneys and Solicitors at Aylesbury, Bucks; as regards R. Rose. Oct. 4.

Assignments for Benefit of Creditors.

TUESDAY, *Oct.* 26, 1858.

COOPER, JOSEPH, Victualler, Talbot-inn, Digbeth, Birmingham. Oct. 8. *Trustee*, J. B. Payn, Maltster, Birmingham, and Handsworth. *Sol.* Bartlett, Birmingham.

MANSFIELD, THOMAS, Grocer, Derby. Oct. 6. *Trustees*, C. Townsend, Merchant, Rood-lane, London; J. Woodall, Merchant, Liverpool. Creditors to execute before Jan. 6. *Sol.* Pickering, 25 Omaston-st., Derby.

MOY, GEORGE, Leather Seller, 105 Blackman-st., Southwark. Oct. 13. *Trustees*, J. Smith, Warehouseman, Manchester; T. Bowyer, Tanner, Northgate-tannery, Gloucester. *Sols.* Sole & Turners, 68 Aldermanbury.

OLIVER, EDWARD, Ship Owner, North Shields. Sept. 30. *Trustees*, G. Harford, Canvass Manufacturer, T. Gibson, Sailmaker, G. Cleugh, Baker, J. Morrison, Sailmaker, all of Newcastle-upon-Tyne. Creditors to execute before Dec. 30. *Sols.* Griffith & Crighton, Newcastle-upon-Tyne.

STAPLETON, THOMAS, Millwright, Kingston-upon-Hull. Oct. 8. *Trustees*, C. Earle, Engineer, Kingston-upon-Hull; W. A. Anderson, Banker's Clerk, Kingston-upon-Hull. Creditors to execute on or before Jan. 8. *Sols.* Holden & Sons, 2 Parliament-st., Kingston-upon Hull.

FRIDAY, *Oct.* 29, 1858.

BENNETT, GEORGE, Draper, Bermondsey-new-rd. Oct. 15. *Trustees*, J. T. Stuttard, Wood-st., & W. White, jun., Cheapside, Warehousemen. *Sols.* Mason & Sturt, 7 Gresham-st.

BLAGG, JOHN, Organist, Thrumpton, Ordsall, Notts. Oct. 21. *Trustee*, J. Bingham, Grocer, East Retford. Creditors to execute before Jan. 21. *Sol.* Marshall, East Retford.

COUCHMAN, WILLIAM, Butcher, Faversham, Kent. Oct. 21. *Trustees*, W. Gearren, Farm Bailiff, Luddenham; J. M. Wood, Cordwainer, Faversham. *Sol.* Tassel, Faversham.

JORDAN, JAMES JOSEPH, Undertaker, 15 Newbury-pl., Middlesex. Oct. 14. *Trustees*, J. Webber, Clapham Brewery, Wandsworth; C. Viner, 3 Lionter., Maida-hill. Creditors to execute before Nov. 14. *Sol.* Stow, 36 Moorgate-st.

LANGRICK, RICHARD, Farmer, West Wratting, Cambridgshire. Oct. 26. *Trustees*, T. D. Green, Grocer, Saffron Walden, Essex; J. Deer, Farmer, Bolsham, Cambridgshire. *Sol.* Freeland, Saffron Walden.

LEE, JOHN CAWSEY, Wholesale Ironmonger, Bridewell-st., Bristol. Oct. 13. *Trustees*, S. P. Jackson, Iron Merchant; W. Sherring, Cut Nail Manufacturer, Bristol. *Sols.* Davis & Fry, Shannon-ct., Bristol.

MERRIKIN, CHARLES HEWSON, Draper, Spalding. Sept. 30. *Trustees*, W. Butterfield & C. Watson, Merchants, Manchester; C. J. Leaf, Merchant, London. *Sols.* Sale, Worthington, & Shipman, 64 Fountain-st., Manchester.

SMITH, WILLIAM BAYNES, Ironmonger, Leeds. Oct. 7. *Trustees*, J. Bates, Factor, Birmingham; W. Huntley, Accountant, Leeds. Creditors to execute on or before Dec. 1. *Sols.* Hick & Jones, 22 Commercial-st., Leeds.

Windings-up of Joint Stock Companies.

TUESDAY, *Oct.* 26, 1858.

UNLIMITED, IN CHANCERY.

HOME COUNTIES AND METROPOLITAN PERMANENT BENEFIT BUILDING SOCIETY, commonly known as HOME COUNTIES AND METROPOLITAN FREEHOLD LAND SOCIETY.—A Petition for the Dissolution and Winding-up of this Company was, on Oct. 18, presented to the Lord Chancellor, by John Caldwell and George Eaton; which will be heard before V. C. Wood, on first day of petitions in next Michaelmas Term, 1858. *Sol. for Petitioners*, Wm. W. Oldershaw, 14 St. Swithin's-lane, City.

NEWCASTLE COMMERCIAL BANKING COMPANY.—A Petition for the Dissolution and Winding-up of this Company was, on Oct. 25, presented to the Lord Chancellor, by William Walker, Gent., of Gateshead; which will be heard before V. C. Kindersley, on Nov. 5. *Sols. for Petitioner*, Harwood & Pattison, 10 Clement's-lane, Lombard-st.

FRIDAY, *Oct.* 29, 1858.

LIMITED IN BANKRUPTCY.

NORTH LINCOLNSHIRE SHIP-BUILDING COMPANY (LIMITED).—The Petition for the winding-up of this Company was adjourned by consent, and the same will be heard before Mr. Commissioner Evans, on Nov. 5, at 11, at Basinghall-st.

WILTS AND GLOUCESTER AGRICULTURAL DISTILLERY COMPANY (LIMITED).—This Company was, by an order of the Bristol Court of Bankruptcy, on Oct. 6, ordered to be wound up; and on the same day, A. J. Acraman, one of the Official Assignees of the Court, was appointed Official Liquidator; and W. T. K. P. Keene has since been chosen an Official Liquidator. *Pet. Dbts.* Nov. 22, at 12.

Scotch Sequestrations.

TUESDAY, *Oct.* 26, 1858.

BLACKIE, JOHN, Tea, Wine, & Spirit Merchant, St. Patrick-st., Edinburgh. Nov. 1, at 3; National-hotel, Register-st., Edinburgh. *Sep.* Oct. 12.

BURNS, ALEXANDER, Grocer & Spirit Dealer, Airdrie, Lanarkshire. Oct. 29, at 2; Royal-hotel, Airdrie. *Sec.* Oct. 21.

DUFF, NEIL CAMPBELL, Provision Merchant, West Bow, Edinburgh. Oct. 29, at 2; Kennedy's British Ship-hotel, East Register-st., Edinburgh. *Sec.* Oct. 22.

FRASER, WILLIAM, Fenar & Innkeeper, Houston, Renfrewshire, deceased. Nov. 1, at 1; Globe-hotel, Paisley. *Sec.* Oct. 20.

HOLM, JAMES, sen., Farmer, Park, Kilmalcolm. Nov. 1, at 12; White Hart-inn, Greenock. *Sec.* Oct. 20.

HOLM, JAMES, jun., Farmer, East Kilbride, Kilmalcolm. Nov. 1, at 2; White Hart-inn, Greenock. *Sec.* Oct. 20.

WHITEHEAD, WILLIAM CULLEN, Merchant, Glasgow (Whitehead, Kerr, & Co.), and in Singapore and Double Island, Swatow (Kerr, Whitehead, & Co.) Oct. 29, at 1; George-hotel, George-sq., Glasgow. *Sec.* Oct. 20.

FRIDAY, *Oct.* 29, 1858.

BORTHWICK, WILLIAM, & JAMES BORTHWICK, jun., Engineers, Main Point, Edinburgh. Nov. 4, at 12; Dowells and Lyon's Sale-rooms, 18 George-st., Edinburgh. *Sec.* Oct. 26.

DUFF, JAMES, & JOHN DUFF, Tenants of the farm of Hillhead, Blackford. Nov. 8, at 2; Star-hotel, Auchterarder. *Sec.* Oct. 23.

DUNCAN, ROBERT, Grain Merchant, Cambuslang, near Glasgow. Nov. 5, at 12; Globe-hotel, George sq., Glosgow. *Sec.* Oct. 26.

DUNN, ALEXANDER, & WILLIAM DUNN, Farmers, Milnathort. Nov. 4, at 2; Kirkland's-inn, Kinross. *Sec.* Oct. 25.

GUTTRIDGE, JOSEPH, Hotel-keeper, Cullen. Nov. 9, at 12; Seafield Arms-hotel, Cullen. *Sec.* Oct. 26.

HENDERSON, JAMES, EDWARD MASSON HENDERSON, & JAMES WATT, General Excursion & News Agents, Glasgow. Nov. 5, at 12; Faculty-hall, St. George's-pl., Glasgow. *Sec.* Oct. 23.

MARTIN, DAVID, Wright, 17 Millroad-st., Glasgow. Nov. 5, at 12; Lennox's Temperance Hotel, Wilson-st., Glasgow. *Sec.* Oct. 25.

MORRIS, JOHN, formerly Shipmaster, now Weigher, Dundee. Nov. 6, at 12; British-hotel, Dundee. *Sec.* Oct. 26.

STOCQUELER, JOACHIM HAYWARD, Literary Gentleman, and Inventor and Patentee of "Stocqueler's Elevator and Observatory," formerly of 88 St. James's-st., London, and latterly of 6 John-st., Adelphi, London, and now of Peebles. Nov. 5, at 3; Tontine-hotel, Peebles. *Sec.* Oct. 25.

THOMAS, EDWIN, Farmer, formerly at Cwmmawr, near Llanelly, Caermarthenshire, afterwards of 8 Hamilton-pl., Edinburgh, and now of 31 Boyd-pl., Greenock. Nov. 2, at 12; White Hart-inn, Greenock. *Sec.* Oct. 25.